

EXPEDITED CONSIDERATION REQUESTED

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 35842

NEW ENGLAND CENTRAL RAILROAD, INC.
—TRACKAGE RIGHTS ORDER—
PAN AM SOUTHERN LLC

REQUEST FOR EXTENSION OF TIME

Pursuant to 49 C.F.R. §§ 1104.7(b) and 1115.3(e), New England Central Railroad (“NECR”) respectfully petitions the Surface Transportation Board for a 16 day extension to file a petition for reconsideration of the Board’s order served October 31, 2017. That order modifies a trackage rights order governing the operations of Pan Am Southern LLC (“PAS”) over segments of NECR’s railroad line. An extension is necessary because NECR yesterday retained the undersigned as counsel in this matter, and counsel will need time to review the lengthy and complicated record in this proceeding and prepare any petition for reconsideration. Counsel for PAS consents to this request and to the proposed filing schedule set forth below. In order for NECR to timely file a petition if an extension is not granted, NECR respectfully requests expedited consideration of this request.

ARGUMENT

Under the Board’s rules, petitions for reconsideration are due within 20 days of the service of the action to be reconsidered. 49 C.F.R. § 1115.3(e). In this case, the order was

ENTERED
Office of Proceedings
November 14, 2017
Part of
Public Record

served on October 31, 2017, making the due date for a petition for reconsideration Monday, November 20.

The Board has the authority to extend the period for a petition for reconsideration by no more than 20 days. *Id.* Normally, petitions for extension of time must be filed within not less than 10 days before the due date, 49 C.F.R. § 1104.7(b), which would have been November 10. However, present counsel for NECR was not retained until November 13.

Requiring a petition for reconsideration to be filed by November 20 would impose substantial hardship and prejudice on NECR. The record in this case is lengthy and complicated, and counsel needs additional time to review it and prepare a proper response. Nor would granting an extension prejudice any other party. I have been authorized by PAS counsel, William Mullins, to state that PAS does not object to the extension request so long as it has an equal amount of time to respond.

Under the schedule developed by NECR and PAS, NECR's petition for reconsideration would be due December 6 (16 days beyond the original deadline) and PAS's response (if any) would be due on December 22 (16 days after NECR's petition).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Cunningham / MLC", is written over a horizontal line.

Paul A. Cunningham
HARKINS CUNNINGHAM LLP
1700 K Street, N.W., Suite 400
Washington, D.C. 20006-3804
(202) 973-7600
pac@harkinscunningham.com

Counsel for New England Central Railroad

November 14, 2017

CERTIFICATE OF SERVICE

I certify that I have this 14th day of November, 2017, caused true copies of the foregoing

Request for Extension of Time to be served upon the parties listed below by email.

Eric R. Benson
Vermont Rail Systems
1 Railway Lane
Burlington, VT 05401
bensonpatentlaw@comcast.net

Robert B. Culliford
Pan Am Railways
1700 Iron Horse Park
North Billerica, MA 01861
rculliford@panam.com

Judge Steven A. Glazer
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
steven.glazer@ferc.gov

Eric M. Hocky
Clark Hill, Plc
One Commerce Sq.
2005 Market Street, Suite 1000
Philadelphia, PA 19103
ehocky@clarkhill.com

William A. Mullins
Baker and Miller PLLC
Suite 300
2401 Pennsylvania Ave, N.W.
Washington, D.C. 20037
wmullins@bakerandmiller.com

Victoria F. Sheehan
P.O. Box 483
Concord, NH 03302-0483
vsheehan@dot.state.nh.us

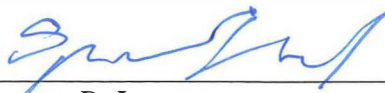
Chris Cole
One National Life Drive
Montpelier, VT 05633
christoper.cole@state.vt.us

Jeremy R. Fischer
Drummond Woodsum
84 Marginal Way, Suite 600
Portland, ME 04101
jfischer@dwmlaw.com

Chop Hardenbergh
Atlantic Northeast Rails & Ports
PO Box 357
Freeport, ME 04032
editor@atlanticnortheast.com

Susan M. Minter
One National Life Drive
Montpelier, VT 05633-5001
sue.minter@state.vt.us

Brian R. Searles
One National Life Drive
Montpelier, VT 05633-0001
brian.searles@state.vt.us



Spencer R. Leroux