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December 17, 2018

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December 17, 2018
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Public Record

Via electronic filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *Denver Rock Island Railroad Company – Complaint*, STB Docket No. NOR 42160

Via electronic filing

Dear Ms. Brown:

Please accept for filing the attached Request for Extension of Time of the City and County of Denver in the above-captioned proceeding.

Please do not hesitate to contact me with any questions.

Sincerely,



Allison I. Fultz
Counsel for City and County of Denver

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C.**

**STB DOCKET NO. NOR 42160
DENVER ROCK ISLAND RAILROAD COMPANY v. THE CITY AND COUNTY OF
DENVER, COLORADO
COMPLAINT**

REQUEST FOR EXTENSION OF TIME OF CITY AND COUNTY OF DENVER

Communications with respect to this document should be addressed to:

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Counsel for the City and County of Denver,
CO

Dated: December 17, 2018

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C.**

**STB DOCKET NO. NOR 42160
DENVER ROCK ISLAND RAILROAD COMPANY v. THE CITY AND COUNTY OF
DENVER, COLORADO
COMPLAINT**

REQUEST FOR EXTENSION OF TIME OF CITY AND COUNTY OF DENVER

The City and County of Denver, a political subdivision of the State of Colorado (the “City”), hereby submits this request for extension of time to respond to this Board’s directive as set forth in its December 6, 2018, decision in this proceeding. *Denver Rock Island R.R. Co. v. The City and County of Denver, Colorado*, STB Docket No. NOR 42160 (Service Date December 6, 2018) (“*Dec. 6 Decision*”), slip op. at 2. This Board advised that it was issuing its decision in order to address procedural ambiguities in this matter and to re-style the proceeding as a complaint pursuant to 49 C.F.R. part 1111 with docketing nomenclature in the Board’s NOR series rather than as a Finance Docket. *Id.* at 1.

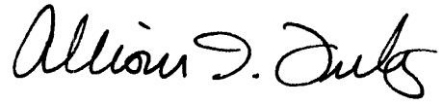
Denver Rock Island Railroad Co. (“DRIR”) initiated this proceeding on October 30, 2018, and the City filed a detailed reply 20 days later on November 19, 2018. In order to clarify the nature of the City’s reply as either a motion to dismiss or an answer to the complaint, the Board instructed the City to file a statement clarifying the nature of the reply within 10 days of the service date of the *Dec. 6 Decision*, i.e., today, December 17, 2018, as the first business day following December 16, 2018. *Id.* at 2.

The City respectfully requests an extension of time to file an answer no later than December 24, 2018. Both lead counsel and secondary lead counsel encountered urgent family

medical issues that made both of them unavailable and unable to respond in accordance with the schedule the Board established in the *Dec. 6 Decision*. Counsel are accordingly requesting the minimum amount of time required to formulate an answer consistent with the requirements of 49 C.F.R. 1111.4 in the newly restyled proceeding rather than simply re-designating and re-purposing the City's previously filed reply. Counsel believe the requested *de minimis* extension of time will not prejudice any party and will not cause an undue delay in this proceeding.

WHEREFORE, and in view of the foregoing, the City respectfully requests this Board to grant an extension of time within which to file an answer to DRIR's Complaint.

Respectfully submitted,



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Jennifer Welborn
Assistant City Attorney
Joshua L. Roberts
Assistant City Attorney
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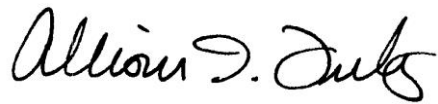
Counsel for City and County of Denver, CO

Dated: December 17, 2018

Certificate of Service

I hereby certify that I have this 17th day of December, 2018, caused to be served a copy of the foregoing Reply of the City and County of Denver, Colorado, to the Complaint, upon the following parties of record:

Thomas F. McFarland,
Thomas F. McFarland, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228

A handwritten signature in black ink, reading "Allison I. Fultz". The signature is written in a cursive, flowing style.

Allison I. Fultz