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Office of Proceedings
December 13, 2017
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December 13, 2017

VIA E-FILING

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

Re: New England Central Railroad Inc. – Trackage Rights Order -- Pan
Am Southern LLC, FD 35842

Dear Ms. Brown:

Pan Am Southern LLC ("PAS") hereby replies to the December 13, 2017 letter ("NECR Letter") filed by New England Central Railroad, Inc. ("NECR") in response to PAS's motion to hold the procedural schedule in abeyance ("Abeyance Motion") and PAS's motion to strike ("Motion To Strike"). NECR opposes the abeyance request. It informs the Board that it will reply to the Motion To Strike in the normal 20 day time period. Under that schedule, NECR's reply would be due January 2.

NECR then makes an interesting statement. NECR "consents to PAS's request for a one week extension of time to file a reply to NECR's Petition for Reconsideration, originally due by agreement December 22, until Friday, December 29, in light of the upcoming holidays." NECR Letter at 2. This is interesting because nowhere in the Abeyance Motion did PAS request a one week extension of time to file its reply. Instead, the Abeyance Motion specifically states that in the event the Board is inclined to deny the Abeyance Motion, then PAS should be given "an extension of time to file its reply to the merits of the Petition, equal to at least 20 days following the decision of the Board on this Abeyance Motion, giving due regard to the holidays." Abeyance Motion at 5.

PAS does not consent to a one week extension of time. Under NECR's proposal, PAS would be required to file its reply to the petition for reconsideration on December 29. However, NECR would not be required to respond to the Motion To Strike until January 2. What NECR is attempting to do is to get the Board to adopt a procedural schedule that would allow NECR the

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opportunity to review the merits of PAS's reply on December 29 and then incorporate a substantive response to that reply in its January 2nd reply to the Motion To Strike. Such a schedule gives NECR two bites at the apple. In effect, granting NECR an opportunity to file rebuttal to PAS's substantive reply to the petition for reconsideration in NECR's reply to the Motion To Strike. This the Board should not condone.

Such games with the procedural schedule are exactly why the Board should hold the procedural schedule in abeyance pending a ruling on the Motion To Strike. Getting a ruling on the Motion To Strike prior to PAS's reply on the merits of the petition for reconsideration narrows the scope of the issues and provides neither party with a procedural advantage. If the Board is not inclined to grant the Abeyance Motion, then PAS should be given 20 days from the date of the decision denying the Abeyance Motion in order to file its substantive reply to the petition for reconsideration.

Respectfully submitted,



William A. Mullins
Attorney for Pan Am Southern LLC

cc: Parties Of Record