

EXPEDITED CONSIDERATION REQUESTED

December 29, 2017

245367

Via e-mail (Alexander.Dusenberry@stb.gov)

Mr. William Brennan
Acting Director
Office of Economics
Surface Transportation Board
395 E St. SW
Washington, DC 20423

ENTERED
Office of Proceedings
December 29, 2017
Part of
Public Record

Re: Motion for Extension of Time to File Appeal

Dear Mr. Brennan:

Thompson Hine LLP, on behalf of itself, Economists, Inc., and L.E. Peabody & Associates, Inc., (collectively, "Requestors") requests a 7-day extension of the time to file an appeal of the December 27, 2017 decision of the Office of Economics in docket WB17-44 (the "Decision"). Pursuant to 49 C.F.R. § 1244.9(d)(4)(iii), an appeal of the Decision must be filed by January 8, 2017. This proposal extends this deadline to January 16, 2017. The requested extension is necessary to provide Requestors with adequate time to evaluate and prepare an appeal of the Decision. The Association of American Railroads, which is the only other party who has participated in docket WB17-44, consents to this request.

The Decision partially denies a request by the Requestors, who are counsel or consultants to the American Chemistry Council (ACC), for the release of Confidential Carload Waybill Samples (CCWS) to facilitate development of a rate benchmarking alternative for submission to the Board in *InterVISTAS Study*, Docket No. EP 736, or other proceedings that the Board designates for that purpose. Specifically, the Decision excludes the release of unmasked contract rates with CCWS data and excludes the release of CCWS data related to the period after 2013, asserting that this data is unnecessary for the intended use.

The Requestors request this extension because the intervening holiday period impedes the ability of Thompson Hine to coordinate communication with the ACC, Economists, Inc., and L.E. Peabody & Associates to evaluate the need for an appeal and to prepare any such appeal. Further complicating matters, the primary individual within Thompson Hine who is responsible for this request has a family medical situation that will keep him away from his work until January 8th.

The Requestors seek expedited consideration of this request, because of the short 10-day deadline for appealing the Decision. Due to this short deadline, it was not possible to file this

December 29, 2017

Page – 2 –

extension request at least 10 days before the due date of the appeal, as normally required under 49 C.F.R. § 1104.7(b).

For the foregoing reasons, the Requestors respectfully request that the Board extend the deadline for filing an appeal of the Decision to January 16, 2017.

Best regards,

/s/ Jason D. Tutrone

Jeffrey O. Moreno

Jason D. Tutrone

Copy to: James Boles, Attorney Advisor to Ann Begeman
 Raymond A. Atkins, Counsel for the Association of American Railroads

Certificate of Service

I certify that, on December 29, 2017, I caused a copy of the foregoing document to be served by e-mail and regular mail on:

Raymond A. Atkins
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005

Counsel for the Association of American Railroads

/s/ Jason D. Tutrone

Jason D. Tutrone