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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
November 12, 2015
Part of
Public Record

STB Finance Docket No. 30186

TONGUE RIVER RAILROAD COMPANY, INC.—RAILROAD CONSTRUCTION AND
OPERATION—IN CUSTER, POWDER RIVER AND ROSEBUD COUNTIES, MONT.

UNOPPOSED MOTION OF TONGUE RIVER RAILROAD COMPANY, INC. FOR
EXTENSION OF TIME TO COMPLETE SUPPLEMENTAL PRODUCTION

 GRANTED Office of Proceedings	DECISION ID NO.: <u>44913</u>
	DECIDED DATE: <u>11/20/15</u>
	SERVICE DATE: <u>11/20/15</u>
	APPROVED: <u>Rachel D. Campbell</u> Director
☐	

David H. Coburn
Linda S. Stein
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000

Attorneys for Tongue River Railroad
Company, Inc.

November 12, 2015

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SURFACE TRANSPORTATION BOARD**

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**TONGUE RIVER RAILROAD COMPANY, INC.—RAILROAD CONSTRUCTION AND
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**UNOPPOSED MOTION OF TONGUE RIVER RAILROAD COMPANY, INC. FOR
EXTENSION OF TIME TO COMPLETE SUPPLEMENTAL PRODUCTION**

On October 15, 2015, the Board granted Tongue River Railroad Company, Inc.’s (“TRRC”) Unopposed Motion for Extension of Time to Complete Supplemental Production and established the following schedule in the above-referenced proceeding: (1) TRRC’s supplemental production completion date is December 7, 2015; (2) Northern Plains Resource Council and Wally McRae/Clint McRae d.b.a. Rocker Six Cattle Company’s (collectively, “NPRC”) deadline for filing a further supplemental submission is 35 days following TRRC’s supplementation, (3) Jay L. Schollmeyer, on behalf of SMART-Transportation Division, General Committee of Adjustment-GO386’s (“SMART-386”) deadline for filing a supplemental reply, to the extent permitted by a separate decision in this proceeding served on August 19, 2015, is 14 days after NPRC’s supplemental submission, and (4) TRRC’s deadline for filing a reply to NPRC’s submission and any SMART-386 submission is 21 days following the due date for the SMART-386 submission.

TRRC hereby moves for a three week extension of time to complete the supplemental production so that the completion date would be December 7, 2015 rather than November 16,

2015. TRRC needs the additional time to review the documents for production. Granting the requested extension should not prejudice any party because it should not delay the resolution of TRRC's application. The Board cannot make a final decision in this matter until the Final Environmental Impact Statement ("EIS") is approved. Comments on the Draft EIS were submitted less than two months ago. The filing of supplemental submissions would be completed by the end of February 2016 under the proposed extension.

Counsel for TRRC has contacted counsel for NPRC and counsel for SMART-386 regarding this request today. Counsel for NPRC stated that NPRC does not oppose the request as long as NPRC is given additional time until January 25, 2016 to file its supplemental submission because NPRC needs additional time if the extension is granted. TRRC does not oppose NPRC having until January 25, 2016 to file its supplemental submission. Counsel for SMART-360 stated that it does not oppose the request.

Accordingly, TRRC hereby requests a three week extension of time to complete the supplemental production so that the completion date would be December 7, 2015. TRRC further requests that (1) NPRC's deadline for filing a further supplemental submission would be January 25, 2016, (2) SMART-386's deadline for filing a supplemental reply, to the extent permitted by a separate decision in this proceeding served on August 19, 2015,

would be 14 days after NPRC's supplemental submission, and (3) TRRC's deadline for filing a reply to NPRC's submission and any SMART-386 submission would be 21 days following the due date for the SMART-386 submission.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David H. Coburn", with a long, sweeping horizontal line extending to the right.

David H. Coburn
Linda S. Stein
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000

Attorneys for Tongue River Railroad
Company, Inc.

November 12, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of November 2015, I have caused a copy of the foregoing Unopposed Motion of Tongue River Railroad Company, Inc. to be served by first-class mail, postage prepaid, on each of the parties of record in STB Finance Docket No. 30186.

A handwritten signature in black ink, appearing to read "David H. Coburn", with a long, sweeping horizontal flourish extending to the right.

David H. Coburn