

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35842

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

Decided: December 14, 2017

By decision served on October 31, 2017, the Board adopted modifications to a trackage rights order governing the operations of Pan Am Southern LLC (PAS) over a New England Central Railroad, Inc. (NECR) railroad line. Further background is available in that decision.

On December 6, 2017,¹ NECR filed a petition for reconsideration. On December 11, 2017, PAS filed a motion to strike portions of NECR's reconsideration petition, as well as a motion to hold PAS's reply deadline in abeyance until the Board rules on the motion to strike. On December 13, 2017, NECR replied in opposition to PAS's abeyance request, arguing that the Board should rule on PAS's motion to strike as part of the Board's merits decision. NECR states that it consents to an extension of PAS's deadline until December 29, 2017. PAS filed a response on December 13, 2017.

To provide sufficient time for the Board to fully consider the arguments presented, the deadline for PAS's reply to the petition for reconsideration will be postponed until further order of the Board. The Board is not holding this proceeding in abeyance but rather is tolling the deadline for PAS's reply. Any reply to the motion to strike must be filed by December 29, 2017.

It is ordered:

1. The deadline for PAS's reply to the petition for reconsideration is postponed until further order of the Board.
2. This decision is effective on its date of service.

By the Board, Julia M. Farr, Acting Director, Office of Proceedings.

¹ NECR requested an extension of time, which was granted by decision served on November 16, 2017.