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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
October 13, 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>44821</u>
	DECIDED DATE: <u>10/15/15</u>
	SERVICE DATE: <u>10/15/15</u>
	APPROVED: <u>Rachel D. Langbein</u> Director
	☐

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Company, Inc.

October 13, 2015

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In a decision served on August 19, 2015 in the above-captioned proceeding, the Board granted a motion to compel supplemental document production filed by Northern Plains Resource Council and Wally McRae/Clint McRae d.b.a. Rocker Six Cattle Company (collectively, “NPRC”). That decision also set forth a new procedural schedule under which Tongue River Railroad Company, Inc. (“TRRC”) would be required to complete the supplemental production by October 19, 2015; NPRC would file a further supplemental submission 21 days following TRRC’s supplementation; Jay L. Schollmeyer, on behalf of SMART-Transportation Division, General Committee of Adjustment-GO386 (“SMART-386”) could file a supplemental reply, to the extent permitted by a separate decision in this proceeding also served on August 19, 2015, 14 days after NPRC’s submission; and TRRC would file a reply to NPRC and any SMART-386 submission 21 days following the due date for the SMART-386 submission.

TRRC hereby moves for a four week extension of time to complete the supplemental production so that the completion date would be November 16, 2015 rather than October 19,

2015. TRRC notes that it needed to collect a large number of documents in response to the Board's order requiring supplemental production. 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 just a few weeks ago. The filing of supplemental submissions would be completed in January 2016 under the proposed extension.

Counsel for TRRC has contacted counsel for NPRC and counsel for SMART-386 regarding this request. Counsel for NPRC stated that NPRC does not oppose the request as long as NPRC is given an additional 14 days (*i.e.* 35 days rather than 21 days) to file its supplemental submission because the requested extension would cause NPRC's deadline to fall in the holiday period. TRRC does not oppose NPRC having an additional 14 days to file its supplemental submission. Counsel for SMART-360 stated that it does not oppose the request.

Accordingly, TRRC hereby requests a four week extension of time to complete the supplemental production so that the completion date would be November 16, 2015. TRRC further requests that (1) NPRC's deadline for filing a further supplemental submission be 35 days (rather than 21 days) following TRRC's supplementation, (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,



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October 13, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October 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.



David H. Coburn