

EXPEDITED CONSIDERATION
BEFORE THE
SURFACE TRANSPORTATION BOARD



DECISION ID NO.: 44065
DECIDED DATE: 10/9/14
SERVICE DATE: 10-9-14
APPROVED: Rachel P. Campbell
Director

E.I. DUPONT DE NEMOURS & COMPANY

Complainant

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Defendant

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) Docket No. NOR 42125
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MOTION TO MODIFY PROCEDURAL SCHEDULE

E.I. du Pont de Nemours and Company (“DuPont”) hereby requests a modification of the procedural schedule for filing petitions for reconsideration of the Board’s March 24, 2014 final merits decision in this proceeding, as corrected by the Board’s technical corrections decision served October 3, 2014, and for filing replies to those petitions. Under this proposal, Petitions for Reconsideration will be due on November 12, 2014 and replies to the petitions will be due December 12, 2014. NS has authorized DuPont to represent that NS does not object to this motion. **DuPont requests expedited consideration of this motion because the current due date is in just over two weeks.**

The standard 20-day period for filing petitions for reconsideration should be adjusted to avoid conflicts with multiple other deadlines in Board proceedings that involve the parties’ counsel. Under the existing procedural schedule, petitions for reconsideration are due October 23, 2014 and replies are due November 12, 2014. Significant filings are also due in other Board proceedings during this period, as follows:

- October 15, 2014—Reply Comments in STB Docket No. EP 661 (Sub-No. 2),
Rail Fuel Surcharges (Safe Harbor).

EXPEDITED CONSIDERATION REQUESTED

- November 4, 2014—Reply Comments in STB Docket No. EP 722, *Railroad Revenue Adequacy*.
- November 5, 2014—Rebuttal Evidence in STB Docket No. 42121, *Total Petrochemicals and Refining USA, Inc. v. CSX Transportation, Inc.*

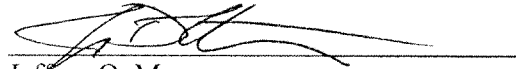
This schedule places considerable strain on DuPont's counsel, because it involves the preparation and submission of 5 filings in under 30 days. Moreover, DuPont's counsel will be travelling on business for 5 days during this period. The proposed procedural schedule reduces the burden of simultaneously preparing, evaluating, and responding to filings in multiple Board proceedings by spreading the due dates over a 60-day period. Additionally, it provides adequate time for review of the Board's workpapers, which may impact on the parties' petitions for reconsideration.

Finally, this schedule also would extend the time for replying to petitions for reconsideration from 20 days to 30 days due to the size of the record in this proceeding, the Board's prior expansion of the page limits from 20 to 50 pages, and the Thanksgiving holiday.

EXPEDITED CONSIDERATION REQUESTED

For the foregoing reasons, DuPont respectfully requests that the Board extend the deadline for filing Petitions for Reconsideration in this proceeding until November 12, 2014, and replies to December 12, 2014. DuPont requests expedited consideration because replies are currently due in just over two weeks.

Respectfully submitted,



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October 8, 2014

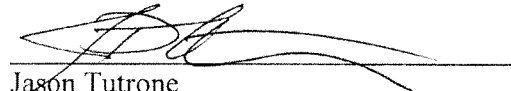
EXPEDITED CONSIDERATION REQUESTED

CERTIFICATE OF SERVICE

I hereby certify that this 8th day of October 2014, I served a copy of the foregoing via e-mail and first class mail upon:

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