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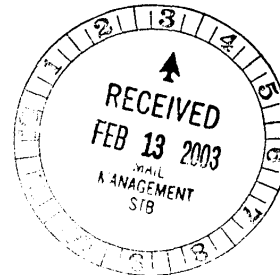
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February 13, 2003



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Via Messenger

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 711  
Washington, DC 20423-0001

**Re: Finance Docket No. 30186 (Sub-No. 3)  
Tongue River Railroad Company -- Construction and Operation -- In  
Rosebud and Big Horn Counties, Montana**

Dear Secretary Williams:

Enclosed for filing please find an original and 10 copies of the Motion of Tongue River Railroad Company for Leave to Submit Response to Oppositions to Petition for Leave to File Supplemental Evidence and an original and 10 copies of the Response of Tongue River Railroad Company to Oppositions to Petition for Leave to File Supplemental Evidence.

Respectfully,

David H. Coburn  
Attorney for Tongue River Railroad  
Company

DHC:dj  
Enclosures

WASHINGTON

PHOENIX

LOS ANGELES

LONDON

BRUSSELS

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO. 30186 (SUB-NO. 3)**

**TONGUE RIVER RAILROAD COMPANY -- CONSTRUCTION AND  
OPERATION -- IN ROSEBUD AND  
BIG HORN COUNTIES, MONTANA**

**MOTION OF TONGUE RIVER RAILROAD COMPANY FOR LEAVE TO  
SUBMIT RESPONSE TO OPPOSITIONS TO  
PETITION FOR LEAVE TO FILE SUPPLEMENTAL EVIDENCE**

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Betty Jo Christian  
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Attorneys for Applicant  
Tongue River Railroad Company

February 13, 2003

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO. 30186 (SUB-NO. 3)**

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**TONGUE RIVER RAILROAD COMPANY -- CONSTRUCTION AND  
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Tongue River Railroad Company ("TRRC") hereby moves for leave to file a response to the two replies in opposition that have been filed to TRRC's January 17, 2003 Petition for Leave to File Supplemental Evidence ("Petition").<sup>1</sup> TRRC is mindful of the Board's rule that a reply to replies is not permitted. However, TRRC submits that the Response that it has prepared, and which it has tendered with this Motion, will offer the Board a more complete record on which to determine whether to permit TRRC to submit supplemental evidence. Specifically, TRRC will address, and correct, misconceptions upon which the opponents have based their opposition to the Petition. TRRC will also respond to the suggestion that TRRC should instead proceed by

<sup>1</sup> These replies were filed by Northern Plains Resource Council, Inc. and United Transportation Union, General Committee of Adjustment on The Burlington Northern and Santa Fe Railway Company, Montana State Legislative Board.

way of a new application. TRRC has tendered its response in a timely manner and thus its consideration should not delay this case or prejudice any party.

In these circumstances, TRRC submits that it should be granted leave to file the tendered response.<sup>2</sup> Accordingly, TRRC urges the Board to grant this motion.

Respectfully submitted,

*Betty Jo Christian DA*

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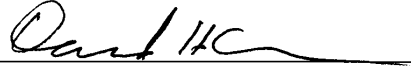
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<sup>2</sup> See *CSX Transportation, Inc. -- Abandonment Exemption -- (Between Memphis and Cordova) in Shelby County, TN*, Docket No. AB-55 (Sub-No. 590X) (served Dec. 12, 2001) at 1, fn. 2 (Board construes its rules liberally to allow replies to replies "where they will contribute to a complete record without prejudicing any party or delaying the proceeding."); *Buffalo & Pittsburgh Railroad, Inc. -- Abandonment Exemption -- In Erie and Cattaraugus Counties, NY*, STB Docket No. AB-369 (served September 18, 1998) at 2 (reply permitted to clarify record and acceptance of same will not delay or unduly broaden issues).

Certificate of Service

I hereby certify that on this 13th day of February 2003, a true and correct copy of the foregoing Motion for Leave to Submit Response to Oppositions to Petition for Leave to File Supplemental Evidence was served by first-class mail, postage prepaid, on all parties of record to this proceeding.

A handwritten signature in black ink, appearing to read "David H. Coburn", written over a horizontal line.

David H. Coburn