

FLETCHER & SIPPEL LLC

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February 21, 2003

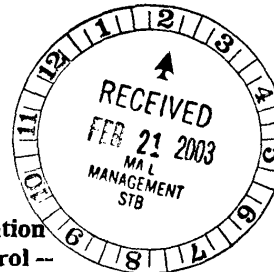
VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, DC 20006

ENTERED
Office of Proceedings

FEB 21 2003

Part of
Public Record



Re: **Finance Docket No. 34178 - 207213**
Dakota, Minnesota & Eastern Railroad Corporation
and Cedar American Rail Holdings, Inc. - Control -
Iowa, Chicago & Eastern Railroad Corporation

Finance Docket No. 34178 (Sub-No. 1) - 207274
Dakota, Minnesota & Eastern Railroad Corporation -
Terminal Trackage Rights - Union Pacific Railroad Company

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceedings are an original and twenty-five copies of a **Motion for Extension of Time to File Petition for Reconsideration (DME-11)**, dated February 21, 2003. A 3.5-inch computer diskette containing the text of the motion in Word 2000 format is attached.

One extra copy of the motion and this letter also are enclosed. Please date-stamp those items to show receipt of this filing and return them to me in the provided envelope.

Please feel free to contact me should any questions arise regarding this filing. Thank you for your assistance on this matter.

Respectfully submitted,

William C. Sippel
Attorney for Dakota, Minnesota & Eastern
Railroad Corporation

WCS:tjl

Enclosures

cc: Parties on Certificate of Service

DME-11

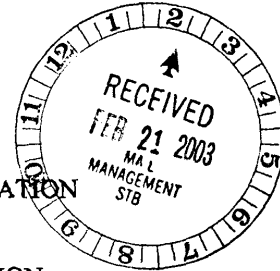
BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34178

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION
AND CEDAR AMERICAN RAIL HOLDINGS, INC.

-- CONTROL --

IOWA, CHICAGO & EASTERN RAILROAD CORPORATION



FINANCE DOCKET NO. 34178 (SUB-NO. 1)

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION

-- TERMINAL TRACKAGE RIGHTS --

UNION PACIFIC RAILROAD COMPANY

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Office of Proceedings

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**MOTION FOR EXTENSION OF TIME TO
FILE PETITION FOR RECONSIDERATION**

William C. Sippel
Thomas J. Litwiler
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(312) 540-0500

**ATTORNEYS FOR DAKOTA, MINNESOTA &
EASTERN RAILROAD CORPORATION**

Dated: February 21, 2003

DME-11

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34178

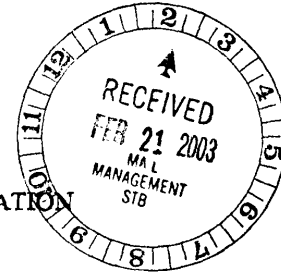
DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION
AND CEDAR AMERICAN RAIL HOLDINGS, INC.

-- CONTROL --

IOWA, CHICAGO & EASTERN RAILROAD CORPORATION

FINANCE DOCKET NO. 34178 (SUB-NO. 1)

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION
-- TERMINAL TRackage RIGHTS --
UNION PACIFIC RAILROAD COMPANY



**MOTION FOR EXTENSION OF TIME TO
FILE PETITION FOR RECONSIDERATION**

Pursuant to 49 C.F.R. § 1115.3(e), Dakota, Minnesota & Eastern Railroad Corporation ("DM&E") hereby seeks a 20-day extension of time to March 17, 2003 in which to file a petition for reconsideration of the Board's decision in these proceedings served February 3, 2003 ("the February 3 Decision"). In that decision, the Board denied DM&E's application seeking terminal trackage rights over approximately 3700 feet of trackage owned by the Union Pacific Railroad Company ("UP") in Owatonna, Minnesota.

Under the Board's rules, a petition for reconsideration of an entire Board action "must be filed within 20 days after the service of the action or within any further period (not to exceed 20 days) as the Board may authorize." 49 C.F.R. § 1115.3(e). Under this requirement, unless the date is extended, a petition for reconsideration of the Board's February 3 Decision would be due February 24, 2003.

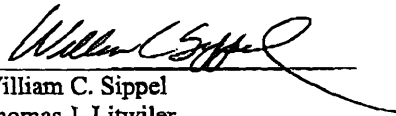
Since the Board's February 3 Decision, DM&E has continued to negotiate with UP regarding Owatonna in accordance with the Board's directive:

We believe this matter must be resolved by the parties and we urge the parties to quickly resolve this issue. Because the record contains letters from many states, groups and political officials who believe that a prolonged delay in reaching an agreement would delay many of the benefits associated with the transaction, we will require the parties to report back to the Board on the status of their negotiations within 60 days of the service date of this decision.

February 3 Decision at 19.

To allow DM&E to devote its resources to the negotiations with UP and to avoid the expense of preparing and filing a petition for reconsideration that may not be necessary, DM&E respectfully requests that the Board extend to March 17, 2003 the time for DM&E to file any petition for reconsideration of the Board's February 3 Decision.

Respectfully submitted,

By: 

William C. Sippel
Thomas J. Litwiler
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180 North Stetson Avenue
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(312) 540-0500

**ATTORNEYS FOR DAKOTA, MINNESOTA &
EASTERN RAILROAD CORPORATION**

Dated: February 21, 2003

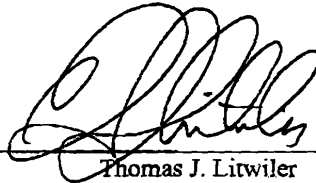
CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2003, a copy of the foregoing
Motion for Extension of Time to File Petition for Reconsideration was served by overnight
delivery upon:

Robert T. Opal, Esq.
General Commerce Counsel
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, NE 68179

David L. Meyer, Esq.
Michael L. Rosenthal, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401

and by first class mail, postage prepaid, upon all other known parties of record in Finance Docket
No. 34178.


Thomas J. Litwiler

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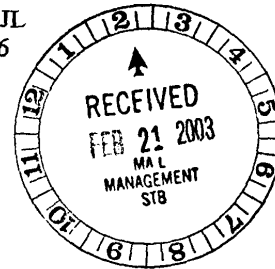
FAX COVER LETTER

Date : February 21, 2003
Completed by : TJL
Phone Extension : 16

To : **David M. Konschnik, Esq.**
Company : **Surface Transportation Board**
Office of Proceedings
Fax No. : **202-565-9002**
202-565-9004
Phone No. : **202-565-1600**

From : **William C. Sippel** Direct Dial : **312-540-9451**
E-Mail : **wsippel@fletcher-sippel.com**

Re : **Finance Docket No. 34178**
Finance Docket No. 34178 (Sub-No. 1)



Comments :

ENTERED
Office of Proceedings**FEB 21 2003**Part of
Public Record

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