

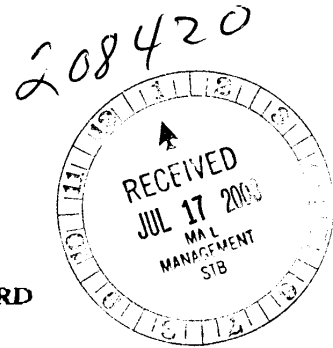
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**BEFORE THE SURFACE TRANSPORTATION BOARD
OF THE UNITED STATES OF AMERICA**

FINANCE DOCKET No. 30186 (Sub-No. 3)

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

Comes now Northern Plains, by and through its attorney, and responds in support of the Appeal filed by the United Transportation Union et al regarding the Order of June 27, 2003 wherein the Secretary established, *inter alia* a deadline for new parties to be added to this proceeding. Northern Plains joins in and concurs with the appeal. In addition, Northern Plains provides the following observations.

The Order was served July 7, 2003. It was not received in this office until Monday, July 14, 2003. The undersigned attorney has conveyed the Order to his client by fax. However, because of the time constraints, mail delays, and the rural, isolated setting of the proposed rail road, Northern Plains was unable to properly inform residents living along the proposed route of the opportunity to become a party to this proceeding. Three days is simply inadequate, given that it appears to take a full week for mail to get from Washington D.C. to

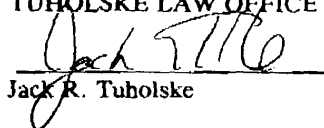
Montana.

There are new landowners along the Tongue River that will be affected by this project if it is approved. These persons may not be members of Northern Plains or any other party organization. However, those persons will not be able to participate in this case as a party because of the short time deadlines set forth in the Order. If the Secretary truly desires to give the public an opportunity to participate in the proceeding, then adequate notice must be provided that gives affected farmers and ranchers time to receive the notice, gain information, contact an attorney if desired and then respond in writing. This is of course a busy time for these folks, who have to contend with the time demands of cutting alfalfa, moving cattle, irrigation pipes and so forth. Given that it appears to take 7 days for mail to travel, and additional time to actually inform those affected by the project, a minimum of 30 days is required. If the Secretary truly desires to inform these folks, notice in a local newspaper should also be published. If local citizens are to avail themselves of their due process rights, it must begin with proper notification.

The time deadlines imposed by the Secretary are a clear error in judgment, and should be set aside.

Dated this 17 day of July, 2003.

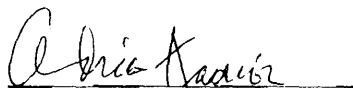
TUHOLSKE LAW OFFICE P.C.


Jack R. Tuholske

Attorney for Northern Plains

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July, 2003, I deposited a true and correct copy of the foregoing in the United States mail, postage prepaid, to all parties of record.


Adria Kasson *Jpt*