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August 21, 2003

VIA HAND DELIVERY

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

Re: STB Docket No. 42081
Dyno Nobel Inc. v. Kaneb Pipe Line Partners, L.P.

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding please find an original and ten copies of the Joint Motion For Extension of Time to Respond to Initial Discovery Requests and to File a Motion to Compel Discovery of Kaneb Pipe Line Partners, L.P. and Dyno Nobel Inc.

Please acknowledge receipt of the enclosed by stamping and returning to our Paralegal the enclosed duplicates of this filing.

Sincerely,

Kathrine L. Henry
Kathrine L. Henry

Enclosures

ENTERED
Office of Proceedings
AUG 21 2003
Part of
Public Record

UNITED STATES OF AMERICA
BEFORE THE
SURFACE TRANSPORTATION BOARD

DYNO NOBEL INC.,)
COMPLAINANT,)
)
v.)
)
KANEB PIPE LINE PARTNERS, L.P.,)
DEFENDANT.)

Docket No. 42081



JOINT MOTION FOR EXTENSION OF TIME
TO RESPOND TO INITIAL DISCOVERY REQUESTS
AND TO FILE A MOTION TO COMPEL DISCOVERY

COMES NOW, Dyno Nobel Inc. (“DNI”) and Kaneb Pipe Line Partners, L.P. (“Kaneb”),¹ by and through their respective counsel, and submit this Joint Motion For an Extension of Time (“Joint Motion”) to file certain documents in this proceeding. DNI requests additional time to respond to Kaneb’s initial discovery requests; Kaneb requests a corresponding extension of time to file a motion to compel DNI to answer the initial discovery requests, if such a motion becomes necessary.

DNI filed its complaint with the Surface Transportation Board (“Board”) on June 16, 2003. On June 25, 2003, DNI submitted its initial discovery requests to Kaneb.

On August 1, 2003, pursuant to an agreement between the parties, Kaneb partially responded to DNI’s initial discovery requests and simultaneously served its own set of initial discovery requests upon DNI. Under 49 C.F.R. § 1114.26(a) (2002), DNI’s answers to Kaneb’s initial discovery requests are due within twenty days after its receipt of the discovery requests, i.e., by August 21, 2003. If DNI fails to answer or gives

¹ DNI and Kaneb have stipulated that Kaneb Pipe Line Operating Partnership, L.P. is included as a defendant.

evasive or incomplete answers to Kaneb's initial discovery requests, Kaneb must file a motion to compel DNI's answer(s) within ten days following DNI's failure to respond, i.e., on September 1, 2003.²

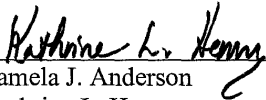
Section 1104.7(b) of the Board's Rules of Practice permit extensions of time upon a showing of "good cause." DNI and Kaneb hereby jointly request an extension of time to September 4, 2003, for DNI to complete its responses to Kaneb's initial discovery requests, and to September 15, 2003, for Kaneb to file a motion to compel DNI's response to Kaneb's initial discovery requests, if such a motion becomes necessary, for the following reasons:

- 1) DNI submits that it needs the additional two-week extension to respond to Kaneb's initial discovery requests given that key individuals have scheduled various commitments (including vacation) during the month of August. Without these individuals' participation in the preparation of the responses, Kaneb will not be able to answer Kaneb's discovery requests completely; and
- 2) Kaneb requests a corresponding two-week extension in order to thoroughly review DNI's responses to its initial discovery requests in determining whether a motion to compel is warranted.

WHEREFORE, in consideration of the above and foregoing, DNI and Kaneb respectfully request that the Board issue an order extending the time for DNI to respond to Kaneb's initial discovery requests to September 4, 2003, and for Kaneb to file a motion to compel DNI's answers to Kaneb's initial discovery requests, if such a motion is warranted, to September 15, 2003.

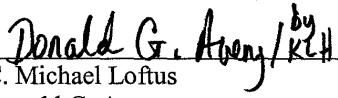
² 49 C.F.R. § 1114.31(a) (2002).

Respectfully submitted,


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ATTORNEYS FOR KANEB

Dated: August 21, 2003

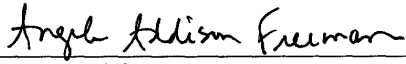

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CERTIFICATE OF SERVICE

Pursuant to Rule 1104.12 of the Surface Transportation Board's Rule on Service of Pleadings and Papers, I hereby certify that I have this day served a copy of the foregoing document by first-class U.S. mail, postage prepaid, on all parties of record in this proceeding, Docket No. 42081.

Dated at Washington, D.C., this 21st day of August 2003.


Angela Addison Freeman

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