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October 16, 2003

VIA HAND DELIVERY

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

ENTERED
Office of Proceedings

OCT 16 2003

Parties
of Record

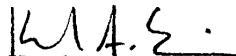
Re: Surface Transportation Board Docket No. 42081,
Dyno Nobel Inc. v. Kaneb Pipe Line Partners, L.P.
and Kaneb Pipe Line Operating Partnership, L.P.

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding please find an original and ten (10) copies of the Joint Motion for Extension fo Time to Respond to Supplemental Discovery Requests and to File a Motion to Compel Discovery.

We have also enclosed two additional hard copies to be date-stamped and returned to the bearer of this letter. Thank you for your attention to this matter.

Respectfully submitted,

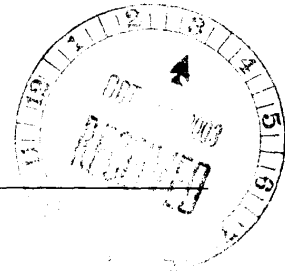

Kendra A. Ericson

An Attorney for Dyno Nobel, Inc.

Enclosures

cc: Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



DYNO NOBEL INC.,

Complainant,

v.

KANEB PIPE LINE PARTNERS, L.P.

and

KANEB PIPE LINE OPERATING
PARTNERSHIP, L.P.,

Defendants.

Docket No. 42081

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Public Record

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

KANEB PIPE LINE PARTNERS, L.P.
and KANEB OPERATING
PARTNERSHIP, L.P.

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ATTORNEYS FOR DEFENDANT

DYNO NOBEL INC.

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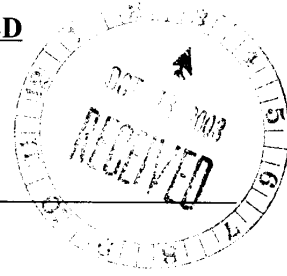
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ATTORNEYS FOR PLAINTIFF

Dated: October 16, 2003

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



DYNO NOBEL INC.,

Complainant,

v.

KANEB PIPE LINE PARTNERS, L.P.

and

KANEB PIPE LINE OPERATING
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**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND
TO SUPPLEMENTAL DISCOVERY REQUESTS AND
TO FILE A MOTION TO COMPEL DISCOVERY**

COMES NOW, Kaneb Pipe Line Partners, L.P. and Kaneb Pipe Line Operating Partnership, L.P. (referred to jointly as "Kaneb") and Dyno Nobel Inc. ("DNI"), by and through their respective counsel, and submit this Joint Motion for an Extension of Time to Respond to Supplemental Discovery Requests and to File a Motion to Compel Discovery ("Joint Motion").

DNI and Kaneb request additional time to respond to the supplemental discovery requests and both parties seek a corresponding extension of time to file a

EXPEDITED CONSIDERATION REQUESTED

motion to compel the opposing party to answer the supplemental discovery requests, if such a motion becomes necessary. The parties jointly request that the deadline for discovery responses be extended to twenty (20) days after the Surface Transportation Board's ("STB" or the "Board") ruling on Kaneb's Motion to Dismiss and on DNI's Motion for Summary Disposition and a corresponding extension for the filing of Motions to Compel to ten (10) days after the due date of the responses.

DNI filed its complaint on June 16, 2003. Pursuant to an agreement between the parties, the Board granted Kaneb's motion for an extension of time to file its answer until August 1, 2003. On August 1, 2003, Kaneb filed its answer and a motion to dismiss Count I of the complaint. DNI filed its reply to the motion and a counter motion for summary disposition on September 12, 2003, after obtaining an extension. Kaneb responded to the counter motion on October 2, 2003. The motion and counter motion have not yet been ruled upon by the Board.

Both DNI and Kaneb filed supplemental discovery requests on September 30, 2003 and October 1, 2003, respectively. Responses to these requests are due twenty (20) days after the requests were filed. Motions to compel are due ten (10) days after the deadline for the Responses.

Both parties have agreed on a schedule for further proceedings in this case that contemplates the deferral of evidentiary filings until the Board rules on these Count 1

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motions. By this joint motion, the parties propose to defer further discovery on Counts 2 and 3 in a similar fashion (i.e. until the Board rules on the Count 1 motions). As a result, the extension will not further delay the procedural schedule proposed by the parties, which the Board has not yet ruled upon, but the parties continue to follow. By deferring discovery on these issues until after the motions have been ruled upon, the parties will not have to expend their resources on discovery that will not be necessary until after the motions have been ruled upon, if such discovery is ever needed.

The Board in its discretion may extend any time period “upon requests and for good cause.” 49 C.F.R. § 1104.7(b). Kaneb and DNI respectfully submit that the foregoing circumstances constitute good cause for the modest extension of time it has requested.

Expedited processing of the Motion is requested because the parties must know well before the current deadlines of October 20, 2003 and October 21, 2003, whether additional time will be available.

For the foregoing reasons, DNI and Kaneb respectfully request that the Board issue an order extending the time for responding to the Supplemental Discovery Requests to twenty (20) days after the Board’s ruling on the Motion to Dismiss and Motion for Summary Disposition, and for corresponding extensions for any motions to

EXPEDITED CONSIDERATION REQUESTED

compel which may be necessary to ten (10) days after the responses to the discovery responses are served.

Respectfully submitted,

H.A.S. : Per Kathrine L. Henry

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Angela Addison Freeman
Van Ness Feldman, P.C.
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ATTORNEYS FOR DEFENDANT

Dated: October 16, 2003

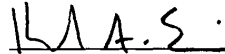
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ATTORNEYS FOR COMPLAINANT

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1104.12, I hereby certify that on this 16th Day of October, 2003, I caused a copy of the foregoing Joint Motion for Extension of Time to Respond to Supplemental Discovery Requests and to File a Motion to Compel Discovery to be served by overnight express courier on all parties of record in this proceeding, and by hand delivery on designated outside counsel.

A handwritten signature in black ink, appearing to read "K.A.E.", is written over a horizontal line.

Kendra A. Ericson
An Attorney for Dyno Nobel Inc.