

213433

SLOVER & LOFTUS

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 20036-3003

WILLIAM L. SLOVER
C. MICHAEL LOFTUS
DONALD G. AVERY
JOHN H. LE SEUR
KELVIN J. DOWD
ROBERT D. ROSENBERG
CHRISTOPHER A. MILLS
FRANK J. PERGOLIZZI
ANDREW B. KOLESAR III
PETER A. PFOHL
DANIEL M. JAFFE
KENDRA A. ERICSON

ENTERED
Office of Proceedings

FEB 28 2005

Part of
Public Record

February 28, 2005

TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

WRITER'S E-MAIL:
wls@sloverandloftus.com

VIA HAND DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423

Re: Ex Parte No. 657, Rail Rate Challenges Under
the Stand-Alone Cost Methodology

FEB 28 2005
RECEIVED

Dear Secretary Williams:

Enclosed for filing in the referenced proceeding please find an original and ten copies of a Motion for Extension of Public Hearing Schedule by Alliance for Rail Competition, American Public Power Association, Colorado Wheat Administrative Committee, Consumers United for Rail Equity, Edison Electric Institute, Idaho Barley Commission, Idaho Wheat Commission, Montana Wheat & Barley Committee, National Association of Wheat Growers, National Barley Growers Association, The National Industrial Transportation League, National Rural Electric Cooperative Association, Oklahoma Wheat Commission, PPL Montana, LLC, South Dakota Wheat Commission, Texas Wheat Commission, Washington Wheat Commission, and Western Coal Traffic League. Because the present due date for any Notice of Intent to participate is two weeks away, it is requested that the Board give **EXPEDITED CONSIDERATION** to the enclosed Motion.

An additional copy of this pleading also is enclosed. Please indicate receipt and filing by time-stamping this extra copy and returning it to the bearer of this letter. Thank you for your prompt attention to this matter.

Sincerely,


William L. Slover

Enclosures

cc: David M. Konschnik
Samuel M. Sipe, Jr., Esq.

ENTERED
Office of Proceedings

EXPEDITED CONSIDERATION REQUESTED

FEB 28 2005

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

~~Part of
Public Record~~

**RAIL RATE CHALLENGES
UNDER THE STAND-ALONE
COST METHODOLOGY**

Ex Parte No. 657

FEB 28 2005

RECEIVED

MOTION FOR EXTENSION OF PUBLIC HEARING SCHEDULE BY

**ALLIANCE FOR RAIL COMPETITION
AMERICAN PUBLIC POWER ASSOCIATION
COLORADO WHEAT ADMINISTRATIVE COMMITTEE
CONSUMERS UNITED FOR RAIL EQUITY
EDISON ELECTRIC INSTITUTE
IDAHO BARLEY COMMISSION
IDAHO WHEAT COMMISSION
MONTANA WHEAT & BARLEY COMMITTEE
NATIONAL ASSOCIATION OF WHEAT GROWERS
NATIONAL BARLEY GROWERS ASSOCIATION
THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE
NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION
OKLAHOMA WHEAT COMMISSION
PPL MONTANA, LLC
SOUTH DAKOTA WHEAT COMMISSION
TEXAS WHEAT COMMISSION
WASHINGTON WHEAT COMMISSION
WESTERN COAL TRAFFIC LEAGUE**

Alliance for Rail Competition, American Public Power Association,
Colorado Wheat Administrative Committee, Consumers United for Rail Equity, Edison

Electric Institute, Idaho Barley Commission, Idaho Wheat Commission, Montana Wheat & Barley Committee, National Association of Wheat Growers, National Barley Growers Association, The National Industrial Transportation League, National Rural Electric Cooperative Association, Oklahoma Wheat Commission, PPL Montana, LLC, South Dakota Wheat Commission, Texas Wheat Commission, Washington Wheat Commission, and Western Coal Traffic League hereby request an extension by 30 days of the hearing schedule set forth in the Board's Notice of Public Hearing served in the above-referenced docket on February 16, 2005. Expedited consideration of this Motion is requested as Notices of Intent to participate in this proceeding are due by March 14, 2005, or only two weeks from the date hereof.

The above-referenced shippers either intend to or are considering participating in this proceeding as a parties of record. They seek a 30-day extension of the Board's hearing schedule. The additional time is required for shippers and their counsel to evaluate the Board's notice, discuss the issues raised therein, and prepare appropriate responses for submission to the Board. The additional time will also allow shippers the opportunity to discuss coordinated responses. No person could be harmed by this extension. Accordingly, the above shippers submit that their extension request is appropriate and should be granted.¹

¹ Moreover, the scheduled dates for filing testimony and for the hearing fall during Spring break, when some counsel have longstanding travel plans, and will not be available.

Counsel to the above-shippers consulted with counsel for the Class I railroads on this extension request late last week, but have not heard back on whether the railroads have any objections to this motion.²

For the foregoing reasons, the above shippers request that the Board extend the applicable due dates by 30 days in this proceeding as follows:

Notice of Intent to Participate:	April 13, 2005
Written Testimony (both hearing speakers and non-speakers):	April 18, 2005
Date of Hearing:	April 25, 2005

Respectfully submitted,

**Alliance for Rail Competition
American Public Power Association
Colorado Wheat Administrative Committee
Consumers United for Rail Equity
Edison Electric Institute
Idaho Barley Commission
Idaho Wheat Commission
Montana Wheat & Barley Committee
National Association of Wheat Growers
National Barley Growers Association
The National Industrial Transportation League
National Rural Electric Cooperative Association
Oklahoma Wheat Commission
PPL Montana, LLC
South Dakota Wheat Commission
Texas Wheat Commission
Washington Wheat Commission
Western Coal Traffic League**

By:

² We do not object to any reasonable extensions of the hearing schedule beyond 30 days, and as necessary to accommodate railroad counsel or any other person's schedules.

William L. Slover

William L. Slover
Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036-3081
(202) 347-7170

**Counsel for Western Coal Traffic
League**

Michael McBride / wls

Michael F. McBride
LeBoeuf, Lamb, Greene & MacRae,
L.L.P.
1875 Connecticut Avenue, N.W.
Suite 1200
Washington, D.C. 20009-7528
(202) 986-8000

Counsel for Edison Electric Institute

Nicholas J. DiMichael / wls

Nicholas J. DiMichael
Jeffrey O. Moreno
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, D.C. 20036
(202) 331-8800

**Counsel for The National Industrial
Transportation League**

John M. Cutler / wls

John M. Cutler, Jr.
McCarthy, Sweeney & Harkaway P.C.
2175 K Street, N.W., Suite 600
Washington, D.C. 20037
(202) 775-2505

Counsel for PPL Montana, LLC

Glenn English / wls

Glenn English
Chief Executive Officer
National Rural Electric Cooperative
Association
4301 Wilson Boulevard
Arlington, VA 22203-1860
(703) 907-5500
**National Rural Electric Cooperative
Association**

Alan H. Richardson / wls

Alan H. Richardson
President & CEO
American Public Power Association
2301 M Street, N.W.
Washington, D.C. 20037-1484
(202) 467-2900

American Public Power Association

Robert G. Szabo / wls

Robert G. Szabo
Van Ness Feldman
1050 Thomas Jefferson N.W.
6th Floor
Washington, D.C. 20007
(202) 298-1800

**Executive Director and Counsel for
Consumers United for Rail Equity**

Michael E. Grisso / wls

Michael E. Grisso
Executive Director
Alliance for Rail Competition
101 Constitution Avenue, NW, Suite 800
Washington, D.C. 20001
(202) 742-4435

Alliance for Rail Competition

Terry Whiteside / wls

Terry Whiteside
Whiteside & Associates
3203 Third Avenue North, Suite 301
Billings, MT 59101
(406) 245-5132

**Colorado Wheat Administrative
Committee**

Idaho Barley Commission

Idaho Wheat Commission

Montana Wheat & Barley Committee

National Association of Wheat Growers

National Barley Growers Association

Oklahoma Wheat Commission

South Dakota Wheat Commission

Texas Wheat Commission

Washington Wheat Commission

Dated: February 28, 2005