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October 7, 2005

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Re: Docket No. 42060 (Sub-No. 1)
North America Freight Car Association, et al. v. BNSF Railway Company

Dear Secretary Williams:

The Rebuttal Statement of Complainants presently is due on October 17, 2005. Complainants hereby request an extension of that date to November 7, 2005, a request which Defendant, BNSF Railway Company, does not oppose.

There are numerous reasons for the requested extension, some of which are as follows. The undersigned has required and will require certain medical treatments that necessitate office absences on treatment days. On September 30, the Board announced an October 19 hearing in Ex Parte No. 658, and this office actively is engaged in helping prepare statements for that proceeding, which are required to be filed by October 12. Meetings convened in late September by the Association of American Railroads and individual carriers commanded the time and presence of most of Complainants' individual witnesses. More pointedly, logistical challenges arising after the two recent hurricanes that struck the Gulf Coast are occupying and will continue to occupy the attention of the same witnesses. In fact, the National Grain Car Council has convened a special hurricane-related meeting in Minneapolis on October 25. On October 20, Complainant North America Freight Car Association has its long-scheduled annual meeting in Chicago. These events, in addition to continuing demands on individual Complainant witnesses to cope with hurricane-related logistical challenges, are making it extremely difficult to foresee an opportunity to produce a final rebuttal document, subject to review by Complainants witnesses, before November 7.

For the foregoing reasons, we respectfully request that the date for the submission of Complainants' rebuttal statement be extended to November 7, 2005.

Respectfully submitted,

Andrew P. Goldstein
Attorney for Complainants

cc: All parties