

218247

BEFORE THE
SURFACE TRANSPORTATION BOARD

Ex Parte No. 646 (Sub-No. 1)

SIMPLIFIED STANDARDS FOR RAIL RATE CASES

Motion for Extension of Time

American Chemistry Council, American Forest and Paper Association, American Soybean Association, Agricultural Retailers Association, Colorado Wheat Administrative Committee, Corn Refiners Association, The Fertilizer Institute, Glass Producers Transportation Council, Idaho Barley Commission, Idaho Wheat Commission, Institute of Scrap Recycling Industries, Iowa Soybean Association, Montana Wheat and Barley Committee, National Association of Wheat Growers, National Barley Growers Association, National Corn Growers Association, National Council of Farmers Cooperatives, National Farmers Union, National Grain and Feed Association, National Sorghum Producers, The National Industrial Transportation League, National Oilseed Processors Association, National Petrochemical & Refiners Association, Nebraska Wheat Board, North American Millers Association, North Dakota Grain Dealers Association, North Dakota Public Service Commission, North Dakota Wheat Commission, Oklahoma Wheat Commission, Paper and Forest Industry Transportation Committee, PPL EnergyPlus, LLC, South Dakota Wheat Commission, Texas Wheat Producers Board, USA Rice Federation, Washington Wheat Commission, Alliance for Rail Competition, Consumers United for Rail Equity

Nicholas J. DiMichael
Laurence W. Prange
Thompson Hine LLP
1920 N St. N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4103

Andrew P. Goldstein
John M. Cutler, Jr.
McCarthy, Sweeney & Harkaway, P.C.
2175 K St. N.W.
Suite 600
Washington, D.C. 20006
(202) 775-5560

Dated: December 11, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD

Ex Parte No. 646 (Sub-No. 1)

SIMPLIFIED STANDARDS FOR RAIL RATE CASES

Motion for Extension of Time

The parties listed on the cover ("Interested Parties") respectfully request the Board to extend the due date for the submission of Rebuttal Comments in this proceeding from December 21, 2006 to January 18, 2007. In support of this request, these Interested Parties state as follows:

1. On July 28, 2006, the Board issued a proposal in this proceeding, setting out new proposed standards and methods for determining the reasonableness of challenged rail rates "in those cases in which a full stand alone cost presentation is too costly, given the value of the case." 49 U.S.C. 10701(d)(3). Opening Comments were filed on October 24, 2006, and Reply Comments on November 30, 2006. Under the present schedule, only three weeks, to December 21, has been allotted for rebuttal comments.

2. The Association of American Railroads ("AAR") and the nation's Class I railroads individually filed Reply Comments in this case, totaling over two hundred pages. Other parties filed reply comments as well.

3. Among the Reply Comments of the AAR and several rail carriers is a suggestion that the Board might revise its definition of the "Maximum Value of the Case" in order to meet some of the objections of the Interested Parties set forth in their Opening Comments.

4. The Interested Parties believe that they need more time in which to analyze the substantial Reply Comments in this case, especially given the short time in the current schedule between reply and rebuttal comments.

5. In addition, undersigned counsel believe that the railroads' suggestion to revise the methodology for calculating the Maximum Value of the Case proposal may have merit. However, counsel need to coordinate a response to this proposal among the large number of parties in the group, a process that will take some time.

6. The length of the extension requested (December 21 to January 18) is necessary to avoid interference from the holiday season.

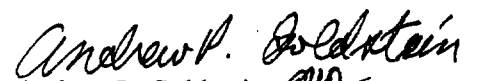
7. Undersigned counsel have discussed this matter with counsel for the AAR, and understands that AAR and the individual Class I rail carriers do not object to this request.

For all of the above reasons, these Joint Interested Parties request a delay in the due date for Rebuttal Comments from December 21, 2006 to January 18, 2007.

Respectfully submitted,

By counsel for the Interested Parties:

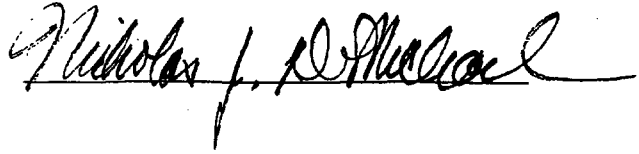

Nicholas J. DiMichael
Laurence W. Prange
Thompson Hine LLP
1920 N St. N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4103


Andrew P. Goldstein
John M. Cutler, Jr.
McCarthy, Sweeney & Harkaway, P.C.
2175 K St. N.W.
Suite 600
Washington, D.C. 20006
(202) 775-5560

Dated: December 11, 2006

Certificate of Service

I hereby certify that I have, on this 11th day of December 2006, served a copy of the foregoing on all parties of record, in accordance with the Board's Rules of Practice.

A handwritten signature in black ink, reading "Nicholas J. P. Macdonald". The signature is written in a cursive style and is positioned above a horizontal line.