

BEFORE THE  
SURFACE TRANSPORTATION BOARD

236119

JAMES VALLEY GRAIN, LLC  
Petitioner,  
v.  
BNSF RAILWAY COMPANY  
Defendant.

ENTERED  
Office of Proceedings  
May 27, 2014  
Part of  
Public Record  
Docket No. 42139

UNOPPOSED PETITION OF BNSF RAILWAY COMPANY TO  
HOLD IN ABEYANCE FOR THIRTY DAYS

Pursuant to 49 C.F.R. § 1117.1, Defendant BNSF Railway Company ("BNSF") hereby requests that the Board hold this proceeding in abeyance for thirty (30) days for the following reason: BNSF and Red River Valley and Western Railroad ("RRVW"), the shortline railroad on which James Valley Grain, LLC ("JVG") proposes to construct a shuttle elevator at Verona, ND, have reached an agreement in principle which would allow BNSF to establish through common carrier shuttle rates from such a facility at Verona. Upon completion of negotiations of definite terms and conditions, BNSF will notify the Board that it has resolved its dispute with RRVW. BNSF believes that such resolution will address the concerns that JVG has raised before the Board in this proceeding.

BNSF requests the Board to hold this proceeding in abeyance for thirty days to give BNSF and RRVW an opportunity to complete their negotiations and finalize an agreement.

 GRANTED	DECISION ID NO.: <u>43831</u>
	DECIDED DATE: <u>4/4/14</u>
	SERVICE DATE: <u>4/4/14</u>
	APPROVED: <u>Rachel Campbell</u> Director
Office of Proceedings	<input type="checkbox"/>

BNSF's counsel has contacted JVG's counsel regarding this request and is authorized to state that JVG does not oppose this petition.<sup>1</sup>

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT

May 28, 2014

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<sup>1</sup> RRW supports BNSF's petition. RRW has filed a petition to intervene in this proceeding that is still pending.

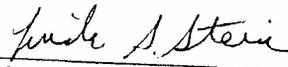
**Certificate of Service**

I hereby certify that on this 28th day of May, 2014, I have served a copy of the foregoing Unopposed Petition of BNSF Railway Company to Hold in Abeyance for Thirty Days on the following by first-class mail postage prepaid and in pdf format via e-mail:

Peter A. Pfohl  
Christopher A. Mills  
Slover & Loftus LLP  
1224 Seventeenth Street, N.W.  
Washington, DC 20036

A courtesy copy was delivered in pdf format via e-mail on the following:

William A. Mullins  
Baker & Miller PLLC  
2401 Pennsylvania Ave., N.W.  
Suite 300  
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Linda S. Stein