

**EXPEDITED CONSIDERATION REQUESTED**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

234432

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<b>TOTAL PETROCHEMICALS &amp; REFINING USA, INC.</b>	)	<b>ENTERED</b>
	)	Office of Proceedings
	)	June 20, 2013
	)	Part of
<b>Complainant,</b>	)	Public Record
	)	
<b>v.</b>	)	<b>Docket No. NOR 42121</b>
	)	
<b>CSX TRANSPORTATION, INC.</b>	)	
	)	
<b>Defendant.</b>	)	
<hr/>		

**MOTION TO EXTEND THE TIME PERMITTED FOR REPLY**

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June 20, 2013

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SURFACE TRANSPORTATION BOARD**

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<b>REFINING USA, INC.</b>		)	
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	<b>Complainant,</b>	)	
		)	
	<b>v.</b>	)	<b>Docket No. NOR 42121</b>
		)	
<b>CSX TRANSPORTATION, INC.</b>		)	
		)	
	<b>Defendant.</b>	)	
<hr/>		)	

**MOTION TO EXTEND THE TIME PERMITTED FOR REPLY**

Pursuant to 49 CFR § 1117.1, complainant Total Petrochemicals & Refining USA, Inc. (“TPI”) hereby requests that the Surface Transportation Board (“Board”) extend, by two weeks, the twenty-day time period for replies under 49 CFR § 1104.13(a). TPI requests that this extension apply to both parties’ replies to any Petitions for Reconsideration or for Stay<sup>1</sup> filed in response to the Board’s market dominance decision (“Decision”) that was served on May 31, 2013 in this proceeding.

TPI is filing a Petition for Reconsideration of the Decision under separate cover today, and TPI understands that defendant CSX Transportation, Inc. (“CSXT”) is also filing a Petition for Reconsideration today. Normally, a reply to such a petition would be due in twenty (20) days, or July 10, 2013. With the two-week extension requested herein, replies would be due July 24, 2013. TPI requests this two-week extension because TPI’s primary outside attorney, Jeff

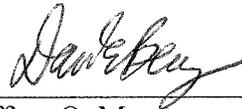
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<sup>1</sup> This extension is without prejudice to TPI’s position that a Petition for Stay is untimely.

Moreno, will be out of the country from June 21 through July 6. Counsel for CSXT has authorized TPI's counsel to state that CSXT does not oppose the requested two-week extension, and that CSXT will not be filing a reply in response to this Motion to Extend.

For the foregoing reasons, the Board should extend the time permitted for replies as described above.

Respectfully submitted,



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June 20, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of June 2013, I served a copy of the foregoing upon counsel for defendant CSXT via electronic mail and U.S. first-class mail, postage prepaid, at the address below:

G. Paul Moates  
Paul Hemmersbaugh  
Sidley Austin LLP  
1501 K Street, NW  
Washington, DC 20005

*Counsel for CSX Transportation, Inc.*

  
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David E. Benz