

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

236119

JAMES VALLEY GRAIN, LLC)	
)	
Petitioner,)	ENTERED
)	Office of Proceedings
v.)	May 27, 2014
)	Part of
BNSF RAILWAY COMPANY)	Public Record
)	
Defendant.)	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.

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

Respectfully submitted,



Richard E. Weicher
Jill K. Mulligan
Courtney B. Estes
BNSF RAILWAY COMPANY
2500 Lou Menk Drive
Fort Worth, TX 76131
(817) 352-2353

Samuel M. Sipe, Jr.
Linda S. Stein
STEPTOE & JOHNSON LLP
1330 Connecticut Ave. N.W.
Washington, D.C. 20036
(202) 429-6486

ATTORNEYS FOR DEFENDANT

May 28, 2014

¹ RRVW supports BNSF's petition. RRVW has filed a petition to intervene in this proceeding that is still pending.

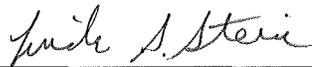
Certificate of Service

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
Washington, DC 20037



Linda S. Stein