

2. Consumers filed its Opening Evidence in this proceeding on November 2, 2015, and CSXT filed its Reply Evidence on March 7, 2016. These dates reflected what amounted to 30-day extensions of the filing dates set in the original scheduling order that was served by the Board on April 10, 2015. The events that remain under the procedural schedule that currently governs this case are the submission of Consumers' Rebuttal Evidence, presently scheduled for May 6, 2016, and the parties' simultaneous filing of closing briefs, which currently are due on June 10, 2016.

3. In its March 14, 2016 Petition for Technical Conference, Consumers outlined a large number of problems that it had encountered with the format and organization of key elements of CSXT's Reply Evidence and workpapers, and indicated to the Board that even with the Board's assistance, the time needed to resolve these problems would further compress the already limited time available to Consumers for the preparation of its Rebuttal Evidence (Petition at 2). In its Decision served April 6, 2016, the Board agreed that certain of the items identified by Consumers amounted to violations by CSXT of the procedural order for the presentation of evidence that governs this case (Decision at 2-3), and directed CSXT to correct the violations and provide further clarification and/or data to Consumers as necessary. CSXT generally complied with the Board's directive on April 8, 2016 (approximately 30 days after the filing of its Reply Evidence), which included the production of new and additional workpapers to Consumers.

4. The parties have endeavored to avoid delay throughout the discovery and evidentiary phases of this case, and meet the Board's stated goal of resolving

proceedings under the *Guidelines* within reasonable timeframes. Indeed, the original schedule that was set by the Board has been subject to only one, 30-day modification. However, the burden on Consumers' experts and counsel imposed by the need to resolve the problems with CSXT's Reply Evidence as described in Consumers' March 14 Petition and the Board's April 6 ruling have compromised Consumers' ability to meet the current filing date for its Rebuttal Evidence. As a result, Consumers proposes a modest, further modification of the remaining schedule to allow additional time for the submission of its Rebuttal Evidence, while maintaining the spacing between that event and the parties' submission of final briefs.

5. Consumers requests that the Board modify the current schedule by setting the following, new filing dates:

Complainant's Rebuttal Evidence:	June 7, 2016
Final Briefs:	July 12, 2016

6. Consumers respectfully submits that the foregoing modifications are reasonable and should be adopted. With the schedule changes sought herein, the total time from the initial filing of Consumers' Complaint to the submission of final briefs still would be only eighteen (18) months, which compares very favorably to the records of more recent cases brought under the *Guidelines*. Counsel for Consumers has consulted with counsel for CSXT regarding this Petition, but has been informed that CSXT does not agree to the relief sought.

WHEREFORE, for good cause shown, Consumers requests that the Board modify the governing procedural schedule in this case, in the manner described above.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

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Dated: April 13, 2016

Attorneys & Practitioners

CERTIFICATE OF SERVICE

I hereby certify that this 13th day of April, 2016, I caused a copy of the foregoing Motion to Further Modify Procedural Schedule to be served by electronic mail on the following counsel for Defendant CSX Transportation, Inc.:

G. Paul Moates, Esq.
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I also caused the foregoing Motion to be served by overnight delivery on the following counsel for CSXT:

Peter J. Shutz, Esq.
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/s/ Katherine F. Waring