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BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 35652

DIANA DEL GROSSO, RAY SMITH, JOSEPH HATCH,
CHERYL HATCH, KATHLEEN KELLY, ANDREW
WILKLUND, AND RICHARD KOSIBA--
PETITION FOR DECLARATORY ORDER

**REPLY OF GRAFTON & UPTON
RAILROAD COMPANY IN OPPOSITION TO
PETITION FOR POSTPONEMENT**

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Upton Railroad Co.

Dated: March 1, 2013

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**REPLY OF GRAFTON & UPTON
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PETITION FOR POSTPONEMENT**

In a Petition for Postponement that was filed with the Board and served on Grafton & Upton Railroad Co. ("G&U") on February 28, 2013, the Petitioners have requested the Board to postpone the time for filing the Petitioners' rebuttal, which is due on March 11, 2013 pursuant to the Board's decision served on January 24, 2013. The reason advanced by the Petitioners for the request for a postponement is to allow the Board to decide a Petition for Reconsideration, which was filed by the Petitioners on February 13, 2013 and which asks the Board to allow the Petitioners to conduct discovery.

G&U opposes the Petition for Postponement. As will be explained in more detail in the Reply to the Petition for Reconsideration that G&U will be filing on or before March 5, 2013, the record in this proceeding is more than adequate for the Board to decide the outstanding issues. Discovery is not necessary to enable the Petitioners to

address the issues or the Board to render a decision.

The possibility that the Board might grant the Petition for Reconsideration and allow discovery is not a reason for postponing the filing by the Petitioners of their rebuttal, which is currently scheduled to be filed, by reason of the Board's decision served on January 24, 2013, on March 11. In the event that the Board were to permit discovery, it would need to establish a new schedule for the proceeding that would take into account the time required for discovery and, in addition, that would allow for new or supplemental filings by both parties. Consequently, there would be no prejudice to the Petitioners if they are required to file their rebuttal by March 11. If the Board were to deny the Petition for Reconsideration, then the pleadings and record would be closed in accordance with the schedule promulgated by the Board.

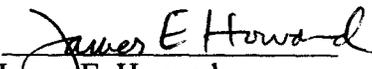
On the other hand, granting a postponement at this late hour would be prejudicial to G&U. The Petitioners waited until the last possible moment to file both their Petition for Reconsideration and their Petition for Postponement. In particular, they waited to ask for a postponement until after G&U had already filed its reply on February 25, 2013. This seems clearly to be an attempt by the Petitioners to have more time to review and respond to G&U's reply than the Board believed necessary when it established the current procedural schedule.

The Petitioners have enjoyed a full opportunity to present their case, and G&U has replied. The only remaining step is for the Petitioners to file their rebuttal on

schedule on March 11, 2013 to complete the record, thereby allowing the Board to be in a position to render a decision.

Respectfully submitted,

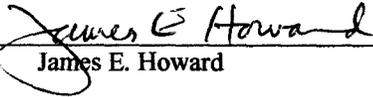
GRAFTON & UPTON
RAILROAD CO.


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Dated: March 1, 2013

Certificate of Service

I hereby certify that I have served the foregoing Reply as of this 1st day of March, 2013 by causing a copy to be sent electronically to Mark Bobrowski, Blatman, Bobrowski & Mead, LLC, 9 Damonmill Square, Suite 4A4, Concord, Massachusetts 01742 and to Fritz Kahn, 1919 M Street, 7th Floor, Washington, DC 20036.


James E. Howard