

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36041

TESORO REFINING & MARKETING COMPANY, LLC—PETITION FOR
DECLARATORY ORDER

Decided: June 23, 2016

On June 3, 2016, Tesoro Refining & Marketing Company, LLC (Tesoro) filed a petition requesting that the Board issue a declaratory order under 5 U.S.C. § 554(e) and former 49 U.S.C. § 721 (now 49 U.S.C. § 1321).¹ On June 20, 2016, the Swinomish Indian Tribal Community (the Tribe), a Federally-recognized tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, filed a motion to extend the time for replies to Tesoro's petition.² The Tribe seeks a 45-day extension of the June 23, 2016 due date to sufficiently review and respond to the petition. The Tribe asserts that good cause exists because neither Tesoro nor any other potentially interested party would be prejudiced by an extension. Tesoro filed a timely response in opposition to the Tribe's motion.

In the interest of compiling a more complete record, the extension request will be granted in part. The Board will extend the due date for replies 20 days rather than the 45-day extension requested. A 20-day extension should provide sufficient time for interested parties to submit a reply in response to the petition. Replies will be due by July 13, 2016.

¹ Tesoro simultaneously filed a motion for a protective order to protect the confidential and commercially sensitive information contained in the unredacted version of the petition and verified statement, which Tesoro submitted under seal in this proceeding. That motion will be addressed in a separate decision.

² On that same day, Equilon Enterprises LLC d/b/a Shell Oil Products US (Shell) filed a motion to intervene as a petitioner in this proceeding and also requested a declaratory order under 5 U.S.C. § 554(e) and former 49 U.S.C. § 721. Shell also filed a motion for a protective order to protect the confidential information it submitted in support of its petition. The Board will address Shell's motions in a separate decision.

It is ordered:

1. The Tribe's extension request is granted, in part, as described above.
2. Replies are due by July 13, 2016.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.