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SERVICE DATE – LATE RELEASE SEPTEMBER 14, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35387

AG PROCESSING INC A COOPERATIVE—PETITION FOR DECLARATORY ORDER

Decided: September 13, 2010

On July 20, 2010, Ag Processing Inc A Cooperative (Ag Processing) filed a petition for declaratory order challenging one part of a Norfolk Southern Railway Company (NSR) tariff that addresses rail cars that are loaded in excess of their weight limits. Specifically, Ag Processing is concerned about how the tariff treats cars that are overloaded because of weather conditions.

NSR notified the Board that it had amended the controversial language and wanted to discuss the change with Ag Processing. Accordingly, NSR asked that the Board make its reply to Ag Processing's petition due on August 23, 2010. The Board granted this request in a decision served on August 6, 2010.

On August 23, 2010, NSR filed an answer to Ag Processing's July 20 petition. On the same day, Ag Processing filed an amended petition. By letter filed on September 10, 2010, NSR alerts the Board that Ag Processing will file another amended petition on or around September 17, 2010. NSR asks that the Board make its reply to the forthcoming petition due 20 days after Ag Processing files that petition. Counsel for Ag Processing concurs in this request.

The request is reasonable, and it will be granted. NSR's reply is due 20 days after Ag Processing files its forthcoming amended petition.

It is ordered:

1. NSR's request is granted, and its reply to the forthcoming petition is due 20 days after Ag Processing files that petition.

2. This decision is effective on its date of service.

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