GRANTED
Office of Proceedings
DECISION ID NO.: 44780
DECIDED DATE: 10/6/15
SERVICE DATE: 10/6/15
APPROVED: Rachel D Campbell
Director

EXPEDITED CONSIDERATION REQUESTED –

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35960

PETITION OF UNION PACIFIC RAILROAD COMPANY FOR DECLARATORY ORDER

MOTION TO EXTEND TIME FOR REPLY

SFPP, L.P. ("SFPP") hereby submits this Motion to Extend Time for Reply in response to the Petition for Declaratory Order filed on September 24, 2015 (the "Petition"), in the above-referenced docket by Union Pacific Railroad Company ("Union Pacific"). Union Pacific has authorized counsel for SFPP to represent that Union Pacific consents to, and will not oppose, this request for an extension of time. (*See* Exhibit A.)

SFPP requests a 30-day extension of the time period for responding to Union Pacific's Petition for good cause, including consent from Union Pacific and lack of prejudicial effect on any other potential interested parties.

Pursuant to the Board's rules at 49 C.F.R. § 1104.13(a), a reply to Union Pacific's Petition would be due no later than October 14, 2015. Under 49 C.F.R. § 1104.7(b), the Board has discretion to extend the time period for replies upon request and with good cause.

Good cause exists here because Union Pacific has consented to this request, and other potential interested parties would not be prejudiced by an extension. (*See* Exhibit A.) Additionally, SFPP seeks an extension to have sufficient time to review and respond to the Petition, which is voluminous. The Petition is 141 pages, including affidavits and multiple

exhibits, and it raises numerous arguments. SFPP requires additional time to evaluate Union Pacific's arguments, authorities, and evidence, and to prepare a reply. Further, Union Pacific filed the Petition without advance notice to SFPP.

WHEREFORE, and in view of the foregoing, SFPP respectfully requests the Board to extend the time for responding to Union Pacific's Petition for Declaratory Order by 30 days, to November 13, 2015.

Respectfully submitted,

Steven M. Strauss
M. Ray Hartman
Summer J. Wynn
Catherine J. O'Connor
COOLEY LLP
4401 Eastgate Mall
San Diego, CA 92121
(858) 550-6000
sms@cooley.com
rhartman@cooley.com
swynn@cooley.com
coconnor@cooley.com

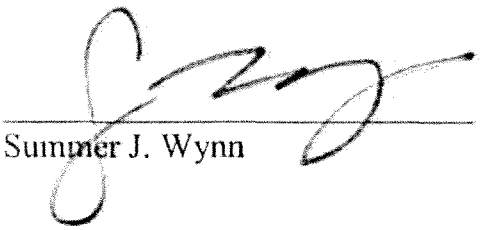
Counsel for SFPP, L.P.

Dated: October 1, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October 2015, I caused a copy of the foregoing Motion to Extend Time for Reply to be served by e-mail upon the following counsel of record for Union Pacific Railroad Company:

Raymond A. Atkins
Matthew J. Warren
Richard E. Young
Hanna M. Chouest
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000



Summer J. Wynn

Exhibit A

From: "Atkins, Raymond" <ratkins@sidley.com>
Date: October 1, 2015 at 12:43:34 PM PDT
To: "Hartman, Ray" <rhartman@cooley.com>
Cc: "Wynn, Summer" <swynn@cooley.com>
Subject: RE: UP v. SFPP: STB Petition

UP agrees to the extension. - Ray

RAYMOND ATKINS
Partner

Sidley Austin LLP
+1 202 736 8889
ratkins@sidley.com

From: Hartman, Ray [mailto:rhartman@cooley.com]
Sent: Thursday, October 01, 2015 3:35 PM
To: Atkins, Raymond
Cc: Wynn, Summer
Subject: UP v. SFPP: STB Petition

Ray: This email confirms our clients' agreement (and your voicemail) to extend SFPP's time to respond to UP's Petition filed before the Surface Transportation Board 30 days – up to and including Friday, November 13, 2015. We will be filing a motion to that affect later today. We will indicate that UP has agreed to this extension. Please confirm that is your understanding. Thanks.

Best,
Ray

M. Ray Hartman III
Partner
Cooley LLP
4401 Eastgate Mall
San Diego, CA 92121-1909
Direct: +1 858 550 6001 • Fax: +1 858 550 6420
Bio: www.cooley.com/rhartman • Practice: www.cooley.com/litigation

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