



DECISION ID NO.: 42082

DECIDED DATE: 12/15/11

SERVICE DATE: 12/15/11

APPROVED: Rachel D Campbell  
Director

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
Office of Proceedings

\_\_\_\_\_  
CARGILL, INC., *et al.*  
Complainants,  
v.  
ABERDEEN AND ROCKFISH RAILROAD  
COMPANY, *et al.*  
Defendants.  
\_\_\_\_\_

23142

Docket No. NOR-42117

ENTERED  
Office of Proceedings

DEC 12 2011

Part of  
Public Record

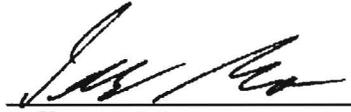
**MOTION TO EXTEND MEDIATION PERIOD**

In a decision released in this docket on June 8, 2010, the Board established a 30 day mediation period, which began with the appointment of a mediator on June 15, 2010. In decisions served on June 15, 2010, August 30, 2010, October 12, 2010, November 22, 2010, February 10, 2011, May 13, 2011, and September 9, 2011, the Board granted unopposed motions to extend the mediation period. The most recent extension expired on November 30, 2011. The parties are continuing to discuss settlement options. Because the parties desire to continue their efforts to seek a negotiated resolution of their differences, Complainants, Cargill, Inc., E.I. du Pont de Nemours and Company, ExxonMobil Corporation, Jones-Hamilton Co., PPG Industries, Inc., Reagent Chemical and Research Inc., and Taminco Methylamines, Inc., hereby move to extend the mediation period until February 29, 2012. Complainants have consulted with the "AAR Defendants," and the Intervenor, North American Freight Car Association, who have authorized the Complainants to represent that they concur with this request.<sup>1</sup>

<sup>1</sup> The "AAR Defendants" are the Association of American Railroads; Railinc, Corp; BNSF Railway Co.; Buffalo & Pittsburgh Railroad, Inc.; Canadian National Railway Co.; Canadian Pacific Railway Co.; CSX Transportation, Inc.; Gary Railway Co.; Norfolk Southern Railway Co.; Rochester & Southern Railroad, Inc.; The Kansas City Southern Railway Co.; and Union Pacific Railroad Co.

WHEREFORE, for the foregoing reasons, Complainants respectfully request that the Board extend the mediation period until February 29, 2012.

Respectfully submitted,



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Jeffrey O. Moreno  
Nicholas J. DiMichael  
Thompson Hine LLP  
1920 N Street, N.W., Suite 800  
Washington, D.C. 20036  
(202) 331-8800

December 9, 2011

## CERTIFICATE OF SERVICE

I hereby certify that I have caused the Motion to Extend the Mediation Period to be served this 9th day of December 2011:

1. By email:

<p>Robert Vom Eigen Foley &amp; Lardner LLP 3000 K Street, N.W. Sixth Floor Washington, DC 20007-5109 <i>Counsel For Cedar Rapids and Iowa City Railway Co.</i></p>	<p>Michael Rosenthal Covington &amp; Burling LLP 1201 Pennsylvania Avenue, N.W. Washington, DC 20004-2401 <i>Counsel For Association of American Railroads Railinc, Corp. BNSF Railway Co. Canadian National Railway Co. Canadian Pacific Railway Co. CSX Transportation, Inc. Gary Railway Co. Norfolk Southern Railway Co. The Kansas City Southern Railway Co. Union Pacific Railroad Co.</i></p>
<p>Eric M. Hocky Thorp Reed &amp; Armstrong, LLP 2005 Market Street, Suite 1000 Philadelphia, PA 19103-7041 <i>Counsel for: Aberdeen and Rockfish Railroad Co., and New York, Susquehanna and Western Railway Corp.</i></p>	<p>Andy Goldstein McCarthy, Sweeney and Harkaway, P.C. 2175 K Street, N.W. Suite 600 Washington, DC 20037 <i>Counsel for: North American Freight Car Association</i></p>
<p>Mark H. Sidman Rose-Michele Nardi Weiner Brodsky Sidman Kider PC 1300 19th Street, N.W. – Fifth Floor Washington, DC 20036 <i>Attorneys for: Central Washington Railroad Company Montana Rail Link, Inc.</i></p>	<p>Louis E. Gitomer The Adams Building, Suite 301 600 Baltimore Avenue Townson, Maryland 21204-4022 <i>Attorney for: Indiana and Ohio Railway Company</i></p>
<p>Robert B. Burns Pan Am Railways 1700 Iron Horse Park North Billerica, MA 01862 <i>Attorney for: Boston and Maine Corporation Maine Central Railroad Company</i></p>	

<i>Pan Am Railways, Inc.</i> <i>Portland Terminal Company</i> <i>Springfield Terminal Railway Co.</i>	
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2. The following parties have been served by first class mail:

Cindy Sanborn President Baltimore and Ohio Chicago Terminal Railroad Company c/o CSX Transportation Inc. 500 Water Street Jacksonville, FL 32202	Daniel R. Sabin President Iowa Northern Railway 122 North 2nd Street P.O. Box 640 Greene, IA 50636
Elgin, Joliet and Eastern Railway Company c/o Sean Finn Executive Vice President Corporate Services, and Chief Legal Officer Canadian National Railway 935 de La Gauchetiere St. West, Montreal, QC H3B 2M9	David Collins 200 Meridian Centre Blvd; Suite 300 Rochester, New York 14618 <i>For Buffalo and Pittsburg Railroad Inc.</i> <i>Rochester and Southern Railroad, Inc.</i>

  
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Jeffrey O. Moreno