

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 290 (Sub-No. 4)

RAILROAD COST RECOVERY PROCEDURES—PRODUCTIVITY ADJUSTMENT

Docket No. EP 290 (Sub-No. 5) (2010-2)

QUARTERLY RAIL COST ADJUSTMENT FACTOR

Decided: July 20, 2010

By decision served June 11, 2010, the Surface Transportation Board sought comments on a request from the Association of American Railroads (AAR) that the Board restate the previously published productivity adjustment for the 2003-2007 averaging period (2007 productivity adjustment) so that it tracks the 2007 productivity adjustment figure used in the Board's March 26, 2010 calculation of the modified 2008 productivity adjustment, and restate any quarterly RCAF (Adjusted) and RCAF-5 calculations that would be affected by a restatement of the 2007 productivity adjustment. Notice was also published in the Federal Register. Railroad Cost Recovery Procedures—Productivity Adjustment; Quarterly Rail Cost Adjustment Factor, 75 Fed. Reg. 33,379 (June 11, 2010). In the June 11 decision, the Board stated that comments would be due by July 12, 2010, and replies would be due by August 10, 2010.

On July 12, 2010, the Association of American Railroads (AAR) and the Western Coal Traffic League filed comments. On the same day, West Fraser Mills Ltd. (WFM) filed a request for an extension of time, and on July 13, 2010, Canadian Forest Products Ltd. (Canfor) filed a similar request. WFM and Canfor state that they became aware of this proceeding on July 9 and July 12, respectively. Both WFM and Canfor have requested additional time so that they may review what impact, if any, a restatement of the 2007 productivity adjustment and other affected calculations would have on their businesses.

On July 16, 2010, AAR filed a reply to the requests for an extension. AAR stated that it would not object to a brief extension not exceeding two weeks provided that the deadline for reply comments would be extended by the same amount of time.

Good cause exists to grant the requests of WFM and Canfor, and accordingly, the requests for an extension will be granted. The comment and reply deadlines will be extended two weeks from the original dates.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The requests of WFM and Canfor for an extension of the comment deadline are granted.

2. Comments are due by July 26, 2010; replies are due by August 24, 2010.

3. This decision is effective on the date of service.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.