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SERVICE DATE – LATE RELEASE AUGUST 6, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35387

AG PROCESSING INC A COOPERATIVE—PETITION FOR DECLARATORY ORDER

Decided: August 5, 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 asks the Board to resolve a dispute about how the tariff treats cars that are overloaded because of weather conditions.

In a motion filed on August 3, 2010, NSR asks that the Board extend the August 9 due date for its reply to Ag Processing's petition. NSR states that it has examined the controversial part of the tariff, adopted new language, and shared the new language with Ag Processing. So that the parties can confer further, NSR asks that the Board extend the due date for its answer by 14 days. NSR states that Ag Processing does not oppose the extension request.

This request is reasonable and will be granted. The Board encourages the private resolution of disputes.

It is ordered:

1. NSR's extension request is granted, and its reply to Ag Processing's petition is due on or before August 23, 2010.

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

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