

DECISION ID NO.: 43469  
 DECIDED DATE: 11/22/13  
 SERVICE DATE: 11/22/13  
 APPROVED: *Racelle Clabby*  
 Director

OFFICE OF PROCEEDINGS

 GRANTED

BEFORE THE  
 SURFACE TRANSPORTATION BOARD

235081

ENTERED  
 Office of Proceedings  
 November 15, 2013  
 Part of the Public  
 Record

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 30186

TONGUE RIVER RAILROAD COMPANY, INC. – RAIL CONSTRUCTION  
 AND OPERATION – IN CUSTER, POWDER RIVER  
 AND ROSEBUD COUNTIES, MT

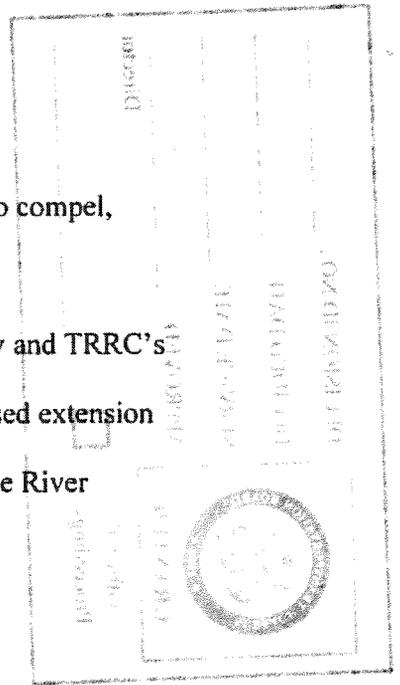
NORTHERN PLAINS RESOURCE COUNCIL'S  
 PETITION TO EXTEND DISCOVERY

Northern Plains Resource Council (Northern Plains) hereby petitions the Board to extend the period for completing discovery in this docket. On August 27, 2013, the Board issued Order No. 43228 granting Northern Plains' request for discovery. The Order set a 90-day period for completion of discovery, which is set to expire on November 25, 2013.

The parties are working diligently and cooperatively to complete discovery within this the 90-day time frame. However, it is clear that discovery will not be complete within that time. Northern Plains will not receive complete document production in response to its discovery requests until just before or after the November 25, 2013 deadline. An extension would allow Northern Plains enough time to review document production, attempt to work out any remaining discovery disputes, and if necessary obtain a decision from the Board on a motion to compel. Northern Plains also has requested to depose certain BNSF and Arch Coal witnesses. At least one of these witnesses was not available for deposition before November 25. Both Northern Plains and Tongue River Railroad Company (TRRC) agree that such depositions should not occur until TRRC's document production is complete. As a result, such depositions will not occur before December. For these reasons, Northern Plains requests that the discovery period be

extended until January 31, 2014 or 45 days after the Board rules on any motion to compel, whichever date comes later.

Northern Plains also requests the Board extend the time for filing its reply and TRRC's rebuttal by 21 and 42 days from the close of discovery, respectfully. This proposed extension would preserve the filing intervals in the existing schedule. Applicant the Tongue River Railroad Company, Inc. does not oppose this requested extension.



Respectfully submitted,

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Kenneth J. Rumelt, Esq.  
Attorney for Northern Plains Resource Council  
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Dated: Friday, November 15, 2013

**CERTIFICATION OF SERVICE**

I, Kenneth J. Rumelt, Esq., hereby certify that on this 15<sup>th</sup> day of November 2013, I caused a copy of the forgoing to be served on all parties of record in this proceeding.

  
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Kenneth J. Rumelt, Esq.