

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33407

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION CONSTRUCTION  
INTO THE POWDER RIVER BASIN

Decided: September 16, 1998

By decision served May 7, 1998, the Board issued a procedural schedule in this proceeding. Pursuant to that schedule, the reply by applicant Dakota, Minnesota & Eastern Railroad Corporation (DM&E) is due on September 21, 1998. On September 14, 1998, DM&E filed a motion requesting a two-week extension, until October 5, 1998, to file its reply evidence and argument in support of the transportation aspects of the application.<sup>1</sup> DM&E represents that the Mid-States Coalition for Progress (Coalition) does not oppose this motion and that the request is supported by the Western Coal Traffic League (WCTL)<sup>2</sup> and Edison Electric Institute (EEI). DM&E claims that this additional time is necessary to prepare an adequate response to the pleadings of the opposition and that the extension will not prejudice opposing parties. The motion for extension of time will be granted.

It is ordered:

1. The motion for extension of time is granted.
2. A reply statement from DM&E is due on October 5, 1998.<sup>3</sup>

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<sup>1</sup> DM&E also requests that the deadline for responses to the Coalition's motion to declassify certain information be extended until one week after the extended deadline it seeks here. Administrative Law Judge Nancy, who will rule on the declassification motion, will also rule on that extension request.

<sup>2</sup> By petition filed September 14, 1998, WCTL, asserting that the Board's May 7 decision establishing a procedural schedule is unclear as to filings by supporters of the application, seeks clarification that it may file reply evidence and argument in support of this application. WCTL, and any other party supporting the application, may file their pleadings by the October 5, 1998 deadline set here.

<sup>3</sup> The Board had set November 3, 1998, as the target date for reaching a preliminary decision on the transportation aspects of this application. In light of the extension granted here to the applicant, the target date for the Board's decision will also be extended by two weeks (until November 17, 1998).

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3. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary