

237104

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
November 25, 2014

STB Finance Docket No. 30186

Part of
Public Record

TONGUE RIVER RAILROAD COMPANY, INC.—RAILROAD CONSTRUCTION AND
OPERATION—IN CUSTER, POWDER RIVER AND ROSEBUD COUNTIES, MONT.

TONGUE RIVER RAILROAD COMPANY, INC.'S PROPOSED PROCEDURAL
SCHEDULE

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|  GRANTED Office of Proceedings | DECISION ID NO.: <u>44167</u> |
| | DECIDED DATE: <u>12/9/14</u> |
| | SERVICE DATE: <u>12/10/14</u> |
| | APPROVED: <u>Rachel Campbell</u> Director |
| | <input type="checkbox"/> |

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Company, Inc.

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In a decision served on September 10, 2014 in the above-captioned proceeding, the Board granted in part and denied in part a motion to compel additional discovery filed by Northern Plains Resource Council and Wally McRae/Clint McRae d.b.a. Rocker Six Cattle Company (collectively, “NPRC”). That decision also set forth a new procedural schedule under which Tongue River Railroad Company, Inc. (“TRRC”) and NPRC would be required to complete all discovery by October 25, 2014, NPRC would be required to submit its reply based on discovery by November 17, 2014 and TRRC would submit its rebuttal to NPRC by December 8, 2014. On October 7, 2014 TRRC filed a petition requesting a postponement of the above deadlines pending the submission by TRRC of a proposed new schedule by no later than November 25. On October 14, 2014, the Board granted TRRC’s request. On November 21, 2014, the Board also granted a petition filed by SMART-Transportation Division, General Committee of Adjustment (GO-386) (“SMART-386”) requesting that the procedural schedule be amended to allow SMART-386 to file a reply following NPRC’s supplemental submission. That decision stated that SMART-386 may reply to NPRC’s forthcoming supplement to the extent that the supplement relates to matters discussed in the SMART-386’s previously filed comments and

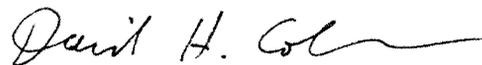
ordered that TRRC's proposed schedule must provide SMART-386 with a 14-day period after the filing of NPRC's supplement to reply and must extend TRRC's rebuttal deadline by 14 days.

After TRRC's initial review of the relevant documents and consistent with the Board's November 21, 2014 decision, TRRC has decided that the schedule proposed below is appropriate. TRRC has also consulted with NPRC counsel, who has consented to the proposed schedule set forth below.

TRRC will complete written discovery by December 31, 2014. A total of four depositions (and thus all remaining discovery) will be completed no later than February 27, 2015. NPRC's supplemental submission would be due 21 days following the date of the last of the depositions. Pursuant to the Board's November 21, 2014 decision, SMART-386 may file a reply to NPRC's submission (provided that any such reply relates to issues raised in SMART-386's April 2013 submission to the Board) 14 days after NPRC's submission. TRRC's reply to NPRC and to any SMART-386 submission would be due 21 days following the due date for the SMART-386 submission.

For the above reasons, TRRC urges the Board to adopt the above agreed schedule.

Respectfully submitted,



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November 25, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November 2014, I have caused a copy of the foregoing Petition for Extension of Time to be served by first-class mail, postage prepaid, on the parties of record in STB Finance Docket Nos. 30186.



David H. Coburn