

234954

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

ENTERED  
Office of Proceedings  
October 17, 2013  
Part of the Public  
Record

**STB Finance Docket No. No. 30816**

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

**NORTHERN PLAINS RESOURCE COUNCIL'S PETITION FOR AN  
EXTENSION OF TIME TO FILE A MOTION TO COMPEL**

Pursuant to 49 C.F.R. § 1117.1, Northern Plains Resource Council (Northern Plains) petitions the Board to grant Northern Plains five days from the termination of the Parties' meet and confer efforts to file a motion to compel, if necessary, in connection with TRRC's Answers and Objections to interrogatories.

On August 27, 2013, the Board issued an order granting Northern Plains' request for discovery. On September 12, 2013, Northern Plains served its First Set of Interrogatories on TRRC. By agreement, Northern Plains granted TRRC's request for twenty-five days to respond. On October 7, 2013, TRRC served its Answers and Objections to TRRC's Interrogatories. The Parties have since met and conferred twice regarding TRRC's discovery objections. The Parties are still attempting to resolve TRRC's objections.

In view of these continuing efforts, Northern Plains requests an extension to file a motion to compel, if necessary, following termination of the Parties' meet and confer process. This extension of time is in lieu of the deadline established in 49 C.F.R. § 1114.36(a) (providing 10 days after expiration of the period allowed for submission of answers to interrogatives to file a motion to compel).

 <b>GRANTED</b> Office of Proceedings	DECISION ID NO.: <u>43394</u>
	DECIDED DATE: <u>10/22/13</u>
	SERVICE DATE: <u>10/22/13</u>
	APPROVED: <u>Rachel D Campbell</u> Director
	<input type="checkbox"/>

**CONCLUSION**

For the above reasons, the Board should grant Northern Plains' Petition.

Respectfully submitted,



---

Jack R. Tuholske  
TUHOLSKE LAW OFFICE PC  
P.O. Box 7458  
Missoula, MT 59807

Kenneth J. Rumelt  
ENVIRONMENTAL & NATURAL  
RESOURCES LAW CLINIC  
Vermont Law School  
P.O. Box 96  
South Royalton, VT 05068

Attorneys for Northern Plains Resource Council

October 17, 2013

## CERTIFICATE OF SERVICE

I hereby certify that on 17th day of October 2013, I served a copy of Northern Plains Resource Council's Petition for an Extension of Time to File a Motion to Compel on counsel for Tongue River Railroad Company, Inc. by electronic mail; and caused a copy of the same to be served on this 18th day of October 2013 by first-class mail, postage prepaid, upon all parties of record in this proceeding.



---

Kenneth J. Rumelt, Esq.