

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33759

PRAIRIE CREEK AND CONNECTING RAILWAY, INC.—CONSTRUCTION AND
OPERATION EXEMPTION—IN CEDAR RAPIDS, IA

Decided: October 7, 1999

On September 21, 1999, Prairie Creek and Connecting Railway, Inc. (PCCR), filed a petition for exemption under 49 U.S.C. 10502 from the requirements of 49 U.S.C. 10901 to construct a line of railroad, approximately one mile in length, from an interchange with the Union Pacific Railroad Company to the facilities of Archer-Daniels-Midland Company in Cedar Rapids, IA.¹ On September 29, 1999, Cedar Rapids and Iowa City Railway Company (CRANDIC)² filed under seal a motion to deny the petition or, in the alternative, to extend the time for filing a response.³ CRANDIC served a redacted copy of its motion on PCCR.

In a request filed on October 5, 1999, PCCR seeks an extension of time to reply to CRANDIC's motion.⁴ PCCR points out that: (1) it has only a redacted copy of the motion; (2) the protective order will bar PCCR's officers from reviewing the confidential version of the motion, and PCCR requires time to retain an outside consultant; and (3) counsel for PCCR will be unavailable for a 2-week period surrounding the current reply date of October 18, 1999. Accordingly, PCCR requests that the due date for its reply be extended to November 9, 1999.⁵

PCCR's request for an extension of time is reasonable and will be granted.

¹ PCCR also proposes serving other industries on the line to be constructed.

² The proposed line would cross CRANDIC's line.

³ Under 49 CFR 1104.13(a), CRANDIC and other interested parties would have 20 days to respond to the petition for exemption. CRANDIC seeks an extended discovery and comment period.

⁴ CRANDIC's motion was accompanied by a motion for a protective order. PCCR responded to the motion for protective order on October 4, 1999. The motion for a protective order will be addressed in a separate decision.

⁵ In an October 6, 1999 letter, CRANDIC addresses PCCR's arguments, but neither supports nor opposes the request for an extension.

It is ordered:

1. The due date for PCCR's reply to CRANDIC's motion to deny PCCR's exemption petition or, in the alternative, to extend the time for filing a response, is extended to November 9, 1999.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary