

ENTERED
Office of Proceedings
July 10, 2015
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**COLORADO WHEAT)
ADMINISTRATIVE COMMITTEE,)
COLORADO ASSOCIATION OF)
WHEAT GROWERS, COLORADO)
WHEAT RESEARCH FOUNDATION)**

And)

KCVN, LLC)

vs.)

V&S RAILWAY, LLC)

Docket No. NOR 42140

JOINT MOTION TO STAY PROCEEDING

The parties in this proceeding, through counsel, hereby jointly respectfully request the Board to stay further activities in this case, including the postponement of the procedural schedule established by decision of the Director, Office of Proceedings served June 25, 2015. In support thereof, the parties submit (1) that complainant KCVN, LLC ("KCVN") and defendant V&S Railway, LLC ("V&S"), have taken certain actions in Case No. C. A. No. 14-cv-02450-CBS, *KCVN, LLC v. V&S Railway, LLC* (the court action from which KCVN was directed to raise the issues in the Complaint with the STB by the U.S. District Court for the District of Colorado on October 24, 2014),¹ and (2) the Complainants and V&S have reached certain understandings related to the V&S's announcement in its Answer filed in this proceeding filed on

¹ See Attachment 1 to the Motion for Emergency and Preliminary Injunctive Relief filed on October 28, 2014 by KCVN, the Colorado Wheat Administrative Committee, Colorado Association of Wheat Growers, Colorado Wheat Research Foundation.

May 28, 2015 that it intends to seek authority to abandon the entire Towner Line sometime this summer. These actions and understandings have led to the dismissal of the Colorado court proceeding, and could ultimately lead to the dismissal of the Complaint in this proceeding.

Accordingly, the parties jointly request the Board to issue an order staying further proceedings, including the postponement of the procedural schedule served on June 25, 2015, to and including August 7, 2015, by which date V&S anticipates filing a Verified Notice of Exempt Abandonment in Docket No. AB 603 (Sub-No. 4) to seek authority to abandon the entire Towner Line. If V&S files its Notice of Exempt Abandonment in Docket No. AB 603 (Sub-No. 4) on or before August 7, 2015, the parties respectfully jointly request that the stay of proceedings remain in effect until the conclusion of the abandonment proceeding, including, if one is filed, the conclusion of an offer financial assistance to avoid the Towner Line's abandonment, pursuant to 49 U.S.C. §10904 and 49 C.F.R. §1152.27.

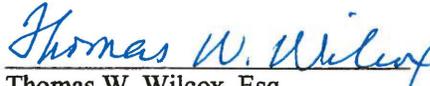
In the event that V&S does not file a petition to abandon the entire Towner Line, or a notice of exemption to abandon the entire Towner Line on or before August 7, 2015, the parties will either jointly or individually inform the Board of this fact and request that the stay be lifted and the procedural schedule in this case be reinstated, with the dates adjusted appropriately to account for the length of the stay.



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Respectfully submitted,



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