

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

241579
ENTERED
Office of Proceedings
September 26, 2016
Part of
Public Record

STB Docket FD 36065

**SAN PEDRO PENINSULA HOMEOWNER'S UNITED INC.
AND JOHN TOMMY ROSAS, TRIBAL ADMINISTRATOR, TONGVA ANCESTRAL
TERRITORIAL TRIBAL NATION- PETITION FOR DECLARATORY ORDER**

MOTION FOR EXTENSION OF TIME TO REPLY TO PETITION

Plains All-America Pipeline ("Plains") hereby requests an extension of the time period allowed under the Surface Transportation Board's ("STB" or "Board") rules to reply to the Petition for Declaratory order filed in this proceeding. For the reasons set forth below, Plains requests that good cause exists for the date for replies to the Petition to be extended from October 3, 2014¹ to October 24, 2016.

I. Background

The Petition for Declaratory Order was filed in this docket on September 12, 2016. The exact relief sought by the Petitioners is not clear from the Petition; however, it makes certain allegations related to rail operations conducted at a liquefied petroleum gas ("LPG") storage facility located in San Pedro, California owned and operated by Rancho LPG Holdings, LLC

¹ Plains understands the current date for filing replies is Monday, October 3, 2016, which is 20 days after the Petition was filed on September 12, 2016. 49 C.F.R. §§1104.3.

("Rancho LPG"). Rancho LPG is a corporate affiliate and subsidiary of Plains. The allegations contained in the Petition include questioning the continued validity of a Temporary Rail Permit issued to Rancho LPG by the Port of Los Angeles that governs the use of a rail spur to access the facility, and certain other related issues. Thus, the Petition directly concerns the rights and interests of Plains and Rancho LPG.

Rail service to the facility is provided by Pacific Harbor Line, Inc. ("PHL") a short line railroad owned by Anacostia Rail Holdings Company ("Anacostia"). Although the Petition was filed on September 12, the Petitioners did not provide service copies of the Petition to PHL or Anacostia until on or around September 23, 2016. *See* Letter from counsel for Petitioners submitting an Amended Service List, filed in this docket on September 23, 2016.

II. Request for Extension

Plains received a service copy of the Petition via regular mail on September 12, 2016. Plains and Rancho LPG have been reviewing the Petition and Plains intends to submit a reply in opposition to it. However Plains does not have the internal expertise on railroad regulatory matters that are under the jurisdiction of the STB, or the Board's procedural rules. In order to more effectively analyze the Petition and formulate a reply, Plains retained the undersigned outside counsel, who has expertise in these matters, on September 23, 2016. In order to provide its new counsel with sufficient time to review the relevant pleadings and documents and help Plains formulate its response, while accommodating the schedules of Plains personnel and outside counsel, Plains submits an extension of the 20-day period applicable to replies to petitions for declaratory orders is justified. Specifically, Plains requests a modest extension of the date for replies to October 24, 2016, which is a three week extension from the current due

date of October 3 calculated pursuant to the Board's rules. Plains submits that no party will be harmed by the Board granting the requested extension. Plains notes that Petitioners have asked for expedited consideration of their Petition, but they cite no grounds as to why expeditious consideration is necessary or required in these circumstances.

On the other hand, Plains submits that the PHL and its parent company may be harmed by the Board not granting this extension request, since these entities were not served a copy of the Petition until on or around September 23. To that end, the undersigned counsel is authorized by PHL to represent that Plains has conferred with PHL and Anacostia and they concur with this extension request by Plains.

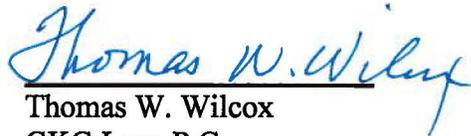
Finally, in conjunction with its request for an extension, Plains respectfully submits that in these circumstances justification is present for the Board to waive the requirement that a request for an extension of time must be filed not less than 10 days before the due date, 49 C.F.R. §1104.6(b), and Plains accordingly requests that the Board waive the application of this regulation in this instance.

III. Conclusion

For all the reasons set forth hereinabove, Plains respectfully requests that the Board grant this Motion for Extension of Time to Reply to Petition, and that the Board extend the date for

filing replies to the Petition to October 24, 2016.

Respectfully submitted,



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Dated: September 26, 2016

CERTIFICATE OF SERVICE

I do hereby certify that on this 26th day of September, 2016, I have served copies of the foregoing Motion for Extension of Time to Reply to Petition by email and by first class mail to counsel for Petitioners in this proceeding.


Thomas W. Wilcox