

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

240405

ENTERED
Office of Proceedings
April 05, 2016
Part of
Public Record

STB FINANCE DOCKET NO. 30186

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

**MOTION FOR LEAVE TO FILE REPLY OF TONGUE RIVER RAILROAD
COMPANY, INC. TO RESPONSE OF NORTHERN PLAINS RESOURCE COUNCIL
TO SUPPLEMENT TO PETITION OF TONGUE RIVER RAILROAD COMPANY, INC.
TO HOLD PROCEEDING IN ABEYANCE**

David H. Coburn
Linda S. Stein
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000

Attorneys for Applicant
Tongue River Railroad Company, Inc.

April 5, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 30186

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

**MOTION FOR LEAVE TO FILE REPLY OF TONGUE RIVER RAILROAD
COMPANY, INC. TO RESPONSE OF NORTHERN PLAINS RESOURCE COUNCIL
TO SUPPLEMENT TO PETITION OF TONGUE RIVER RAILROAD COMPANY, INC.
TO HOLD PROCEEDING IN ABEYANCE**

Applicant Tongue River Railroad Company, Inc. (“TRRC”) hereby moves for leave to file the attached brief reply to the March 15, 2016 Response of Northern Plains Resource Council and Rucker Six Cattle Company (jointly, “NPRC”). That Response addresses a March 10, 2016 Supplement that TRRC filed in connection with its pending November 25, 2015 Petition to hold this proceeding in abeyance. In the Supplement, TRRC advised the Board that Arch, through its Otter Creek Coal, LLC subsidiary, is suspending for now its efforts to secure permitting for the Otter Creek mine, which is to be served by the TRRC. The NPRC Response urges the Board to terminate this proceeding with prejudice, and claims that the Otter Creek project has been abandoned.

TRRC seeks leave to set the record straight that Arch has merely suspended its permitting efforts for a variety of reasons and has not abandoned the Otter Creek project, contrary to NPRC’s contentions. TRRC will also address NPRC’s latest contentions as to why this

proceeding should not be terminated by the Board. The attached brief reply will not prejudice any party and will allow for a fuller record in this important and long-standing proceeding.

For these reasons, TRRC urges the Board to accept the tendered reply into the record.

Respectfully submitted,



David H. Coburn
Linda S. Stein
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-8063

Attorneys for Applicant
Tongue River Railroad Company, Inc.

April 5, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April 2016, I have caused a copy of the foregoing Request to File Reply of Tongue River Railroad Company, Inc. to be served by first-class mail, postage prepaid, on each of the parties of record in STB Finance Docket No. 30186.



David H. Coburn