

BEFORE THE
SURFACE TRANSPORTATION BOARDENTERED
Office of Proceedings
October 03, 2012
Part of
Public Record

STB Docket No. EP 711*PETITION FOR RULEMAKING
TO ADOPT REVISED COMPETITIVE SWITCHING RULES*

**PETITION FOR MODIFICATION OF THE PROCEDURAL SCHEDULE
BY
THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE**

The National Industrial Transportation League (“NITL” or “League”) hereby joins the U.S. Department of Agriculture (“USDA”) in requesting that the Surface Transportation Board (“STB” or “Board”) modify the procedural schedule in this proceeding. The Board, in its decision dated July 25, 2012 (the “Decision”), instituted this proceeding and set November 23, 2012 as the due date for opening submissions.¹ In the Decision, the Board also authorized the release of its most recent confidential Waybill Sample for prospective commenters to analyze and, in light of the Board’s desire to ensure commenters have “sufficient time to produce hard facts and rigorous empirical analyses[,]” invited participants to petition for an extension of time if needed to conduct the data-intensive analysis needed to address the complex issues raised in this proceeding.²

On September 27, 2012, USDA filed a request to extend the time for providing opening submissions in this proceeding until March 1, in order to allow USDA to complete a thorough analysis of the Waybill Sample and to prepare its comments.³ Similar to USDA, the League is in the process of conducting an empirical analysis of the Waybill Sample, but believes that more

¹ Petition for Rulemaking to Adopt Revised Competitive Switching Rules, Docket No. EP 711, slip op. at 11 (July 25, 2012).

² *Id.* at 9.

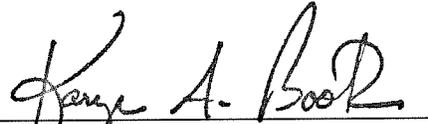
³ See Letter from J. Bruce Blanton, Director, USDA, to Surface Transportation Board (Sept. 27, 2012).

time will be needed to complete that analysis and prepare its opening submission in response to the Board's inquiries. Thus, the League supports the request of USDA for an extension of time and asks the Board to modify the procedural schedule in this proceeding as follows:

Opening Submissions Due: March 1, 2013.

Responses Due: May 30, 2013.

Respectfully submitted,

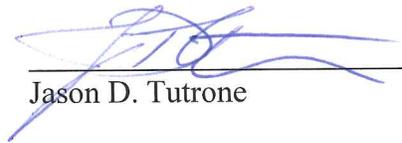


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DATED: October 3, 2012

CERTIFICATE OF SERVICE

I certify that I have this October 3, 2012 served copies of the foregoing document upon all parties of record in this proceeding, by first-class mail.



Jason D. Tutrone