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March 14, 2011

Via Electronic Filing

Rachel D. Campbell
Director of Proceedings
Surface Transportation Board
395 E. St., S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

MAR 14 2011

Part of
Public Record

Re: **Ex Parte No. 707, Demurrage Liability**

Dear Ms. Campbell:

Pursuant to the Board's Decision of January 20, 2011 in the above proceeding, reply comments are currently due April 6, 2011. By the attached filing, please find the Motion of the International Warehouse Logistics Association to Extend the Procedural Schedule for Filing of Reply Comments in the above proceeding. Pursuant to the IWLA's request, reply comments would be due on May 20, 2011. We appreciate your time and consideration.

Very truly yours,

NIELSEN, ZEHE & ANTAS, P.C.

By:

Kevin M. Phillips

KMP/ji

Att.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Ex Parte No. 707

DEMURRAGE LIABILITY

**MOTION OF THE
INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION
TO EXTEND PROCEDURAL SCHEDULE FOR FILING OF REPLY COMMENTS**

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Logistics Association*

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SURFACE TRANSPORTATION BOARD**

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The International Warehouse Logistics Association (IWLA), by and through its counsel, Nielsen, Zehe & Antas, P.C., and in support of its Motion to Extend the Procedural Schedule for Filing of Reply Comments, states as follows:

In an Advance Notice of Proposed Rulemaking served on December 6, 2010, the Board instituted a proceeding regarding demurrage. The agency stated that its intent was to adopt a rule or policy statement addressing when parties should be responsible for demurrage in light of current commercial practices. Pursuant to the initial Order, comments were due on January 24, 2011 and reply comments were to be due February 23, 2011. The IWLA, on behalf of its members and through its counsel followed said schedule and filed its comments on January 24, 2011. On January 6, 2011 the Association of American Railroads (AAR) filed their request for an extension and sought to file its initial comments by March 7, 2011 and reply comments by April 6, 2011. This request was granted just two business days prior to the original deadline, by which time the IWLA had already prepared its comments for filing.

As such the AAR, along with other railroad-related entities (BNSF Railway, Canadian Pacific Railway Company, CSX Transportation, Norfolk Southern Railway Company, Union Pacific Railroad Company) had nearly 45 additional days to consider the IWLA initial comments

before even filing their initial comments. In fact, the AAR even cites to the Comments of Savannah Re-Load within their *initial* comments. See March 7, 2011 Comments of the Association of American Railroads, at 30. Hence, it is obvious that the AAR, and likely other railroad entities, utilized the initial comments of the warehousing entities in formulating their comments to the STB, which opportunity was not given to the IWLA.

In consideration of the above, the IWLA respectfully requests that the reply comment period be extended 45 days from April 6, 2011, to May 20, 2011, in order to allow it the same opportunity to extensively review the initial comments filed by railroad entities, along with gather information to support its reply.

Respectfully Submitted,

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