

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 30186

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

**PETITION OF TONGUE RIVER RAILROAD COMPANY, INC. TO STAY
DEADLINES**

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November 25, 2015

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**PETITION OF TONGUE RIVER RAILROAD COMPANY, INC. TO STAY
DEADLINES**

Applicant Tongue River Railroad Company, Inc. (“TRRC”) hereby requests expedited consideration of this petition to stay the current deadlines for (1) TRRC’s supplemental document production (currently due December 7th, 2015); (2) Northern Plains Resource Council’s and Wally McRae/Clint McRae d.b.a. Rocker Six Cattle Company’s (collectively “NPRC”) further supplemental submission (currently due January 25th, 2016); (3) Jay L. Schollmeyer, on behalf of SMART-Transportation Division, General Committee of Adjustment-G0386’s (“SMART-386”) supplemental reply (currently due 14 days after NPRC’s supplemental submission); and (4) TRRC’s reply to NPRC’s submission and any SMART-386 submission (currently due 21 days after the due date for SMART-386’s submission). Specifically, TRRC requests that these deadlines be stayed while the Board considers TRRC’s concurrently filed petition to hold the instant proceeding in abeyance; that the Board delay the deadline for TRRC’s supplemental document production until 45 days after the Board issues an order terminating the

abeyance period in the event the TRRC request to hold the proceeding in abeyance is granted; and that the subsequent deadlines for submission of supplemental merits filings be extended commensurately.

Concurrent with the instant petition, TRRC is filing a petition to hold this proceeding in abeyance pending a final decision from the Montana Department of Environmental Quality (“MDEQ”) on the Otter Creek Mine permit application, and judicial affirmance of any decision granting that permit. Pursuant to 49 CFR § 1104.13(a), NPRC and SMART-386 will have 20 days to reply to the petition to hold the proceeding in abeyance. Therefore, replies to the petition to hold the proceeding in abeyance will not be due until eight days after the current December 7, 2015 deadline for TRRC’s supplemental document production. The Board would then need additional time to consider the submissions and issue a decision on the request to hold the proceeding in abeyance. The purpose of that petition is to avoid a potential waste of resources by the parties and the Board while the Otter Creek mine permit is being decided. That purpose would be undermined if TRRC were required to complete its supplemental document production and the other parties were required to work on their supplemental merits filings while the Board considers the petition to hold the proceeding in abeyance. Thus, in order for the period of abeyance to serve its purpose, the deadlines described above should be stayed.

So that the Board may issue a decision on this petition in advance of TRRC’s December 7, 2015 deadline to complete its supplemental production, TRRC requests the Board to order interested parties to file any replies to this petition by Wednesday, December 1, 2015, six days before the deadline for TRRC’s supplemental production.

CONCLUSION

For the reasons stated, TRRC respectfully requests that the current deadlines described above be stayed while the Board considers TRRC's concurrently filed petition to hold the instant proceeding in abeyance; that the Board delay the deadline for TRRC's supplemental document production until 45 days after the Board issues an order terminating the abeyance period; and that the subsequent deadlines for submission of supplemental merits filings be extended commensurately. TRRC further requests expedited consideration of this petition and requests that the Board order parties to file any replies to this petition by Wednesday, December 1, 2015.

Respectfully submitted,



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November 25, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November 2015, I have caused a copy of the foregoing Petition 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. In addition, Northern Plains Resource Council and Wally McRae/Clint McRae d.b.a. Rocker Six Cattle Company was also concurrently served by electronic mail and Jay L. Schollmeyer, on behalf of SMART-Transportation Division, General Committee of Adjustment-G0386, was also concurrently served by hand.



David H. Coburn