

EXPEDITED CONSIDERATION REQUESTED
BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
August 7, 2014
Part of
Public Record

Docket No. EP 661 (Sub-No. 2)

RAIL FUEL SURCHARGES (SAFE HARBOR)

MOTION FOR EXTENSION OF PROCEDURAL SCHEDULE

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August 7, 2014

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Docket No. EP 661 (Sub-No. 2)

RAIL FUEL SURCHARGES (SAFE HARBOR)

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Union Pacific Railroad Company (“UP”) hereby requests a 30-day extension of time to file reply comments in this proceeding. With this extension, reply comments would be due on October 15, 2014, rather than September 15, 2014.

UP needs the extension to respond adequately to the opening comments submitted by other parties. The Board’s request for comments, and UP’s own opening comments, focused on whether to remove or modify the HDF Index safe harbor established in Rail Fuel Surcharges, EP 661 (Sub-No. 1) (STB served Jan. 26, 2007). Several parties went beyond the basic focus on the safe harbor and submitted extensive comments urging the Board to adopt new, burdensome rules governing the use of fuel surcharges, or to prohibit entirely the use of fuel surcharges. UP cannot respond to this unexpectedly broad range of issues by September 15.

UP’s need for an extension is made greater by the schedules in other Board proceedings in which comments are due before September 15. Specifically, most of the same UP in-house and outside counsel working on this proceeding are also engaged in preparing reply comments that are due on August 25 in Ex Parte No. 665 (Sub-No. 1), *Rail Transportation of Grain, Rate Regulation Review*, and opening comments that are due on September 5 in Ex Parte No. 722, *Railroad Revenue Adequacy*, and Ex Parte No. 664 (Sub-No. 2), *Petition of the Western Coal Traffic League to Institute a Rulemaking to Abolish the Use of the Multi-Stage Discounted Cash*

Flow Model in Determining the Railroad Industry's Cost of Capital. The schedule for those three proceedings is already challenging, and there would be very little time after filing comments in Ex Parte Nos. 722 and 664 (Sub-No. 2) to prepare a reply in this proceeding.

For the foregoing reasons, UP respectfully requests and extension of the time to file reply comments to October 15, 2014.

Respectfully submitted,

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August 7, 2014

CERTIFICATE OF SERVICE

I, Michael L. Rosenthal, hereby certify that on this 7th day of August, 2014, I caused a copy of the foregoing Motion for Extension of Procedural Schedule to be served by first-class mail, postage prepaid, on all parties of record in STB Ex Parte No. 661 (Sub-No. 2).

/s/ Michael L. Rosenthal