

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 35792

**THOMAS TUBBS, TRUSTEE OF THE THOMAS TUBBS REVOCABLE TRUST AND
INDIVIDUALLY, AND DANA LYNN TUBBS, TRUSTEE OF THE DANA LYNN TUBBS
REVOCABLE TRUST AND INDIVIDUALLY—PETITION FOR DECLARATORY ORDER**

**UNOPPOSED PETITION OF BNSF RAILWAY COMPANY, INC. AND MASSMAN
CONSTRUCTION CO. FOR EXTENSION OF TIME TO REPLY TO PETITION FOR
DECLARATORY ORDER**

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Attorneys for BNSF Railway Company, Inc.
and Massman Construction Co.

December 19, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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Pursuant to 49 CFR § 1104.7, BNSF Railway Company, Inc. and Massman Construction Co., (collectively “BNSF”) hereby requests an extension of time to reply to the Petition for Declaratory Order filed by Thomas Tubbs and Dana Lynn Tubbs (“Tubbs”) on December 9, 2013. Replies to the Petition for Declaratory Order are currently due under the Board’s rules within 20 days of filing. In the present case, the 20th day from filing is December 29th. Because December 29th is a Sunday, BNSF’s reply is due on December 30th. BNSF hereby requests a 14-day extension that would provide it until January 13, 2014 to reply. Counsel for Petitioner Tubbs has advised that he does not oppose this request.

In support of this request, BNSF notes that the due date falls in the middle of the holiday season when several persons involved in this matter will not be available due to longstanding planned absences. That fact, coupled with the press of other business, would make it very difficult for counsel to prepare and file a reply by December 30th.

For all of these reasons, BNSF respectfully requests that this Petition for Extension of Time be granted and that the deadline for BNSF’s reply to the Petition for Declaratory Order be extended until January 13, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David H. Coburn", with a long horizontal flourish extending to the right.

David H. Coburn
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Attorneys for BNSF Railway Company, Inc.
and Massman Construction Co.

December 19, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December 2013, I have caused a copy of the foregoing to be served by first-class mail, postage prepaid, on each of the parties of record in STB Finance Docket No. 35792.

A handwritten signature in cursive script that reads "David H. Coburn". The signature is written in black ink and has a long, sweeping horizontal stroke at the end.

David H. Coburn