

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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ENTERED

STB FINANCE DOCKET NO. 30186

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July 17, 2013
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Public Record

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

**PETITION OF TONGUE RIVER RAILROAD COMPANY, INC. FOR EXTENSION OF
TIME TO FILE A REPLY TO THE MOTION OF NORTHERN PLAINS RESOURCE
COUNCIL AND ROCKER SIX CATTLE CO. FOR LEAVE TO FILE A SUR-REPLY**

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Attorneys for Tongue River Railroad
Company Inc.

July 17, 2013

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On July 2, 2013, Northern Plains Resource Council and Rocker Six Cattle Co. (collectively “Northern Plains”), filed a motion for leave to file an otherwise unauthorized sur-reply to Tongue River Railroad Company, Inc.’s (“TRRC”) June 7, 2013 reply to the comments of Northern Plains along with a lengthy sur-reply that includes a 23 page verified statement from their expert witness. Under the Board’s rules, a reply to Northern Plains’ motion is due on July 22, 2013. Pursuant to 49 CFR § 1104.7, TRRC hereby requests an extension of time to file its reply to Northern Plains’s motion until August 9, 2013.

TRRC intends to oppose the Northern Plains’ motion. However, when TRRC files its reply to Northern Plains’s motion for leave to file a sur-reply, TRRC also intends to concurrently file a conditional response to the sur-reply of Northern Plains; i.e., a response conditioned on the Board’s possible acceptance of the Northern Plains sur-reply. Thus, should the Board ultimately grant Northern Plains’s motion and accept its unauthorized sur-reply, the Board will have TRRC’s substantive response to the sur-reply immediately available. However, due to the length and technical nature of Northern Plains’ sur-reply, TRRC and its coal marketing expert (who has

just returned from vacation) require additional time to analyze the sur-reply and to prepare TRRC's conditional response. .

Granting TRRC's requested extension so that TRRC may simultaneously file its reply to Northern Plains' motion and its response to Northern Plains' sur-reply, instead of requiring TRRC to make two separate filings, will reduce the administrative burden on both TRRC and the Board. In addition, granting TRRC's extension request will not prejudice Northern Plains in any way. A short delay in the filing of TRRC's response to Northern Plains's motion will have no adverse effect on the interests of Northern Plains in this proceeding.

For all of these reasons, TRRC respectfully urges that this Petition be granted and that the deadline for replying to the July 2, 2013 motion of Northern Plains for leave to file a sur-reply should be extended to August 9, 2013.

Respectfully submitted,



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July 17, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July 2013, I have caused a copy of the foregoing Petition for Extension of Time to be served by first-class mail, postage prepaid, on counsel for the parties of record in STB Finance Docket Nos. 30186.

A handwritten signature in cursive script that reads "David H. Coburn". The signature is written in black ink and is positioned above a horizontal line.

David H. Coburn