

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-6 (Sub-No. 428X)

BNSF Railway Company

— ABANDONMENT EXEMPTION —

In Colfax County, NM

PETITION TO TOLL PERIOD TO SUBMIT OFFER OF FINANCIAL ASSISTANCE

Martin W. Bercovici
Keller and Heckman LLP
1001 G Street, N.W., Suite 500W
Washington, DC 20001
202-434-4144
bercovici@khlaw.com

Attorney for:
COLFAX LAND & CATTLE COMPANY,
LLC

July 20, 2005

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In Colfax County, NM

**PETITION TO TOLL PERIOD TO SUBMIT AN
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Colfax Land and Cattle Company, LLC (“Colfax”), a New Mexico limited liability company, pursuant to 49 C.F.R. §1152.27(c)(2)(ii)(C), respectfully requests the Surface Transportation Board to TOLL the period to submit an offer of financial assistance (“OFA”) for purchase of the 36.90-mile line of railroad proposed to be abandoned by BNSF Railway extending between M.P. 0.00 near French, New Mexico and M.P. 36.90 near York Canyon, New Mexico, in Colfax County, New Mexico.

On July 15, 2005 Colfax submitted a Notice of Intent to File and Offer of Financial Assistance, with a request to the Board for acceptance of said Notice. That notice requested BNSF to provide Colfax with certain information in accordance with 49 C.F.R. §1152.27(a) to enable Colfax to prepare and submit an OFA. Colfax served its Notice electronically on counsel for BNSF contemporaneously with filing with the Board. Inasmuch as Hust Brothers, Inc. had submitted a Notice of Intent and had requested the same information, Colfax assumed that said information readily was available and would have been promptly forthcoming from BNSF. At

this time, Colfax has not received the requested information, nor any acknowledgment from BNSF that said information will be forthcoming. OFA's are due to be filed and served by July 21, 2005; and in the absence of the information contemplated by the Board's rules to enable an interested party the opportunity to evaluate and submit an OFA, Colfax is not in a position to meet the deadline set by the Board's rules.

In light of the foregoing, and consistent with the procedure set forth at 49 C.F.R. §1152.27(c)(2), Colfax respectfully requests the Board to TOLL the period for submission of OFA's until 15 days after the information requested of BNSF is received.

Respectfully submitted,



Martin W. Bercovici
Keller and Heckman LLP
1001 G Street, N.W., Suite 500W
Washington, DC 20001
202-434-4144
bercovici@khlaw.com

Attorney for Colfax Land and Cattle
Company, LLC

July 20, 2005

CERTIFICATE OF SERVICE

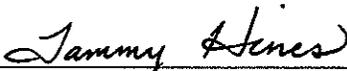
I, Tammy L. Hines, hereby certify that on July 20, 2005 I served a copy of the foregoing Petition by mailing a copy by prepaid first-class mail to the following:

Michael A. Smith (also via electronic mail)
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677
msmith@freebornpeters.com

John D. Heffner, PLLC
1920 N Street, NW, Suite 800
Washington, DC 20036

Fritz R. Kahn, P.C.
1920 N Street, NW, 8th Floor
Washington, DC 20036

Kevin M. Sheys
Janie Sheng
Kirkpatrick & Lockhart Nicholson Graham LLP
1800 Massachusetts Avenue, N.W.
Washington, DC 20036



Tammy L. Hines

Dated: July 20, 2005