

**Before the  
SURFACE TRANSPORTATION BOARD**

<b>BOSTON AND MAINE CORPORATION &amp;</b>	)	
<b>SPRINGFIELD TERMINAL RAILWAY</b>	)	
<b>COMPANY- ADVERSE DISCONTINUANCE</b>	)	<b>DKT NO. AB-32</b>
<b>OF OPERATING AUTHORITY- NEW</b>	)	<b>(Sub. No. 100)</b>
<b>ENGLAND SOUTHERN RAILROAD CO., INC. -</b>	)	

**REQUEST TO EXTEND TIME TO FILE APPLICATION**

Now come Boston and Maine Corporation and Springfield Terminal Railway Company (Petitioners) and hereby request this Board to extend the time in which to file an Application for Adverse Discontinuance in this matter.

In support of its request, the Petitioners state that it intends to ask the Board to find that the public convenience and necessity permit the adverse discontinuance of operations by New England Southern Railroad Company, Inc. (NES) over approximately 27 miles of rail line in central New Hampshire. NES has been operating the rail line under a lease that was entered into on January 14, 1985. The lease provides that either party may terminate on 90 days' written notice to the other party once the initial 10-year term expires. Petitioners state that on or about April 27, 2007 they gave NES written notice of termination, effective on or about August 1, 2007 and indicated that the Petitioners would assume operating the rail line under its own operating plan. NES responded it would not file for discontinuance. Petitioners state that the adverse discontinuance pursuant to requirements of 49 CFR 1152, Subpart C is necessary to remove NES's interest in the rail line and assume operations under their own plan.

The notice of intent was mailed via prepaid first class mail on April 17, 2009 and in addition was published in a newspaper with general circulation in each county on April 22 and 29, 2009 and May 6, 2009. The deadline for filing an application with the Board in this matter is on or about May 15, 2009.

Petitioner requests the Board extend the time in which to file an application until June 19, 2009 for the following reasons.

1. The parties have been in negotiations in an attempt to resolve the matter.
2. Additional time is necessary as the negotiations appear to be productive.
3. Counsel for New England Southern Railroad Co., Inc. (Atty. Keith O'Brien) does not object to the request.

As reasons therefore, Boston and Maine Corporation and Springfield Terminal Railway Company request this Board grants an extension of time in which to file the application.

Respectfully Submitted,

/s/ Michael Q Geary  
Staff Attorney  
Boston and Maine Corporation  
Springfield Terminal Railway Co.  
1700 Iron Horse Park  
North Billerica, MA. 01862  
(978) 663-1029

Dated: May \_\_\_\_, 2009

**CERTIFICATE OF SERVICE**

I, Michael Geary, Esq., do hereby certify that the Request to Extend Time To File Application enclosed herewith has been duly served on May 13, 2009, upon the following:

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Bow, NH 03304

Ciment Quebec  
7 Johnson Road  
Bow, NH 03304

North Pacific (Saxonville)  
287 So. Main  
Concord, NH 03301

Public Service of New Hampshire  
P.O. Box 330  
Manchester, NH 03105

Schnitzer Steel Industries  
25 Sandquist Street  
Concord, NH 03301

Ensio Resources  
97 River Road  
Bow, NH 03304

Fortek  
1400 Iron Horse Park  
North Billerica, MA 01862

All-State Asphalt  
P.O. Box 91  
Sunderland, MA 01375

Concord Crop Center  
6 So. Commercial  
Concord, NH 03301

Coastal Forest Products  
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Innovative Paper Technologies  
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/s/Michael Q. Geary, Esq.