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Via E-filing

March 15, 2007

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20006

218812

Re: *PCI Transportation, Inc. v. Fort Worth & Western Railroad Company*
STB Docket No. NOR 42094 Sub-No. 1

Dear Secretary Williams:

Enclosed for filing on behalf of Respondent in the above-captioned docket the Respondent Fort Worth & Western Railroad Company's Proposed Alternative Procedural Schedules I & II in both original and PDF version in WORD format done on an iMac.

By agreement, counsel for PCI has been served both by E-Mail and U.S. Mail this date.

Please acknowledge receipt.

Thank you.

Yours truly,

Paul H. Lamboley

PHL/nd
Enc.

UNITED STATES OF AMERICA

BEFORE THE SURFACE TRANSPORTATION BOARD

STB DOCKET NO. NOR 42094 Sub-No.1

PCI TRANSPORTATION, INC.

Complainant,

v.

FORT WORTH & WESTERN RAILROAD COMPANY

Respondent.

**RESPONDENT FORT WORTH & WESTERN RAILROAD COMPANY'S
PROPOSED ALTERNATIVE PROCEDURAL SCHEDULES I and II**

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March 15, 2007

**Attorneys for Respondent
Fort Worth & Western Railroad Company**

Reasons for FWWR's Alternative Procedural Schedules I & II

In compliance with the Board's Order dated February 2, 2007, Fort Worth & Western Railroad Company ("FWWR") timely filed its Answer and Counter-Claim to the Complaint of PCI Transportation, Inc. ("PCI") on February 26, 2007.

Also in compliance with the Order, on February 5, 2007 FWWR first sent PCI a proposal, and thereafter the parties have exchanged various proposals and held several telephone conferences regarding procedural schedule issues. Although PCI's lead counsel has been out of the country this week, efforts to reach agreement continued.

Despite good faith efforts, unfortunately FWWR and PCI have been unable to reach agreement on issues relating to discovery and filing deadlines. For its part, FWWR believes that no *new* and/or *additional* discovery is necessary because extensive discovery, including depositions, has already been undertaken by the parties in proceedings before the Federal District Court and FWWR has affirmed that the testimonial and documentary information therein developed are useable in the instant proceedings before the Board. However, should the Board find that additional time for discovery is appropriate, FWWR suggests and has proposed an alternative schedule that accommodates a *specific* discovery schedule. To date, no discovery has been requested by either party.

Procedurally, in the final analysis, FWWR believes that, even if the Board were to deny FWWR's Motion to Dismiss in whole or in part, disposition on the merits of matters at issue can be best accomplished by "modified procedure". Accordingly, FWWR has proposed a "simplified" schedule for that purpose.

FWWR wishes to have this matter resolved and deadlines are critical to that end, as well as to availability of FWWR's counsel and personnel in the upcoming months. FWWR assumes PCI's interests are similar.

FWWR's alternatively proposes two schedules that address prompt resolution on the merits, notwithstanding FWWR's pending Motion to Dismiss on jurisdictional grounds.

FWWR's views and alternative proposals have shared with PCI, and are as follows:

FWWR's Proposed Alternative Procedural Schedule I

March 30, 2007	PCI's Answer to FWWR's Counter-Claim
May 15, 2007	PCI Opening Statement in Support of Complaint FWWR Opening Statement in Support of Counter-Claim
June 15, 2007	FWWR Reply Statement in Opposition to PCI Complaint PCI Reply Statement in Opposition to FWWR Counter-Claim
July 15, 2007	PCI Rebuttal Statement in Support of Complaint FWWR Rebuttal Statement in Support of Counter-Claim

(The foregoing proposed Schedule II assumes: (1) *no new* written discovery or depositions are necessary, (2) the case will be subject to "modified procedure", and (3) FWWR's motion to dismiss remains pending.)

FWWR's Proposed Alternative Procedural Schedule II

March 30, 2007	PCI's Answer to FWWR's Counter-Claim
April 21, 2007	PCI and FWWR Written Requests for Discovery (Interrogatories, Production or Admissions)
May 21, 2007	PCI and FWWR Responses to Written Requests For Discovery (Interrogatories, Production or Admissions)
May 30-31, 2007	Depositions (If any requested by either party)

