

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Ex Parte No. 646 (Sub-No. 1)

*SIMPLIFIED STANDARDS FOR RAIL RATE CASES*

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**Motion for Extension of Time**

submitted by

**American Chemistry Council, American Forest and Paper Association, American Soybean Association, Agricultural Retailers Association, Colorado Wheat Administrative Committee, Corn Refiners Association, The Fertilizer Institute, Glass Producers Transportation Council, Idaho Barley Commission, Idaho Wheat Commission, Institute of Scrap Recycling Industries, Iowa Soybean Association, Montana Wheat and Barley Committee, National Association of Wheat Growers, National Barley Growers Association, National Corn Growers Association, National Council of Farmers Cooperatives, National Farmers Union, National Grain and Feed Association, National Sorghum Producers, The National Industrial Transportation League, National Oilseed Processors Association, National Petrochemical & Refiners Association, Nebraska Wheat Board, North American Millers Association, North Dakota Grain Dealers Association, North Dakota Public Service Commission, North Dakota Wheat Commission, Oklahoma Wheat Commission, Paper and Forest Industry Transportation Committee, PPL EnergyPlus, LLC, South Dakota Wheat Commission, Texas Wheat Producers Board, USA Rice Federation, Washington Wheat Commission, Alliance for Rail Competition, Consumers United for Rail Equity  
and  
The Honorable Brian Schweitzer, Governor, State of Montana**

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Dated: September 13, 2007

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SURFACE TRANSPORTATION BOARD

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**The Interested Parties**

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The parties listed on the front cover ("Interested Parties") respectfully request the Board to modestly extend the time for filing a petition for reconsideration in this case for slightly over two weeks, from September 25, 2007 to October 12, 2007. The Interested Parties have been authorized by counsel for the Association of American Railroads to state that the AAR does not object to this request.

The reasons for this request are as follows:

1. On September 5, 2007 the Board served its decision in this proceeding, a decision that concludes many years of effort by the Board to revise its existing "small case" guidelines. The Board's decision was considered to be, and is, extraordinarily important, since it goes to one of the key areas of the Board's regulatory authority, its jurisdiction over the "reasonableness" of rail rates for captive shippers.
2. The record in this case was very extensive, with three rounds of written comments filed since the Board issued its July 2006 proposal, as well as a public hearing. The Board's

decision in the case was likewise extensive, covering over 100 pages and dozens of issues. The Board's decision, moreover, broke significant new ground in developing revised rules for smaller rate cases, including revisions to the proposed "Simplified SAC" standard for medium cases; substantial revisions to the Board's proposed eligibility standards for small and medium cases; changes to the proposed RSAM and R/VC>180 Benchmarks; significant new guidance on rate comparisons under the R/VC<sub>comp</sub> standard; and new rules on the procedures for small and medium cases, including discovery. These and other aspects of the Board's decision demand careful consideration and analysis by the Interested Parties, an analysis not possible in the brief, 20-day period for filing petitions for reconsideration under the Board's rules.

3. The Interested Parties are composed of nearly thirty different individual companies and associations, and coordination with this large a group takes time not contemplated by the existing twenty-day period for filing petitions for reconsideration.

4. The Board also has another extremely important case before it, namely, Ex Parte 664, *Methodology to Be Employed in Determining the Railroad Industry's Cost of Capital*. Recently, the Board granted a request for a two-week extension of time for filing comments in that case, to September 27, 2007, or just two days after a petition for reconsideration would be due in this proceeding. See, STB Ex Parte 664, order served August 31, 2007. Certain of the Interested Parties, and counsel for the Interested Parties, will be filing comments in the Ex Parte 664 proceeding, and a brief extension of time in this proceeding will permit an orderly schedule for preparing submissions in these two extremely significant Board proceedings. The extension requested here would require a petition for reconsideration in this case to be submitted two weeks after the opening comments in Ex Parte 664 are due, and two weeks before the reply comments in Ex Parte 664 are due.

WHEREFORE, for all the above reasons, the Interested Parties request a brief extension in the time for filing a petition for reconsideration in this case, from September 25 to October 12, 2007.

Respectfully submitted,

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Certificate of Service

I hereby certify that I have on this 13th day of September 2007 served a copy of the foregoing request on all parties of record, in accordance with the Board's rules of practice.

A handwritten signature in black ink, appearing to be "L. Prange", written over a horizontal line.