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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB Docket No. 1043 (Sub-No. 1)**

**MONTREAL, MAINE & ATLANTIC RAILWAY, LTD.  
DISCONTINUANCE OF SERVICE AND ABANDONMENT  
IN AROOSTOCK AND PENOBSCOT COUNTIES, MAINE**

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**REPLY OF MONTREAL, MAINE & ATLANTIC RAILWAY, LTD.  
TO THE MOTION OF THE STATE OF MAINE, DEPARTMENT OF  
TRANSPORTATION FOR EXTENSION OF FILING DEADLINES**

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**ENTERED  
Office of Proceedings**

**MAR 26 2010**

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Dated: March 26, 2010

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Montreal, Maine & Atlantic Railway, Ltd. ("MMA") hereby replies to the State of Maine's ("State") motion seeking to extend the filing deadlines for protests and comments, and for MMA's reply thereto, by a period of twenty-one days. MMA opposes this motion. In support of its opposition, MMA states the following:

1. The Surface Transportation Board ("Board") has already established an appropriate filing schedule in this case. In accordance with the requirements of 49 C.F.R. §§ 1152.25(c) & 1152.26(a), the current filing schedule sets April 12 as the due date for comments and protests, April 26 as the due date for MMA's reply thereto (the close of the written record), and June 15 as the date of final decision. Pursuant to an official request by the State, the Board has also scheduled a public hearing regarding MMA's abandonment application to occur in Maine at some point after the close of the written record, but before the end of May. Thus, under

the current filing schedule, the Board has a full seven weeks to review the written record, prepare for and hold the public hearing in Maine, and draft its final decision. Under the State's proposal, however, the Board would have only four weeks to review the written record, prepare for and hold the public hearing in Maine, and draft its final decision.

2. As the State notes, MMA has been meeting with the State since last summer to determine if and how service could be preserved over the lines subject to the abandonment. As discussions in this regard have been ongoing and will continue in the future, there is no need to extend the filing deadlines to facilitate this process.

3. MMA has actively cooperated in providing information requested by the State during this period. Moreover, MMA has actively cooperated in providing information requested to date by other parties with an interest in this proceeding, such as Irving Woodlands LLC and Irving Forest Products, Inc. Thus, there should be no need to extend the filing deadlines to accommodate the exchange of information that has already been taking place for some time.

4. The State represents that it "has delayed pursuing additional formal discovery while negotiations [with MMA] were actively being pursued." State's Motion at ¶ 7. However, nothing prevented the State from pursuing both courses simultaneously. The State's delay in seeking such formal discovery should not now be used as an excuse for disrupting the sound filing schedule already in place.

5. The State suggests that there has been some sort of inappropriate delay in affording it the opportunity to hi-rail the lines in question. MMA has sought to accommodate the State's request in this regard in a timely fashion, but a number of factors (such as weather and operating constraints) have unavoidably complicated scheduling of the line inspection. Regardless, such a process is most directly relevant to offers of financial assistance ("OFAs").

As the current filing schedule requires that OFAs be submitted at the end of June, scheduling the line inspection for early April provides ample time to prepare any OFAs that interested parties might wish to file.

WHEREFORE, MMA respectfully requests that the Board deny the State's motion seeking to extend the filing deadlines.

Respectfully submitted,



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Dated: March 26, 2010

## **CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I served a copy of the foregoing Reply of Montreal, Maine & Atlantic Railway, Ltd. to the Motion of State of Maine, Department of Transportation for Extension of Filing Deadlines on the following by email or by U.S. mail, postage prepaid:

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Dated: March 26, 2010



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