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February 19, 2010

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
FEB 19 2010
Part of
Public Record

Re: Docket No. 42110, Seminole Electric
Cooperative, Inc. v. CSX Transportation, Inc.

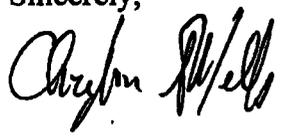
Dear Ms. Brown:

Enclosed for filing in the referenced proceeding please find Complainant's
Petition to Extend Remaining Due Dates Under Procedural Schedule.

Please provide electronic receipt of this filing.

Thank you for your attention to this matter.

Sincerely,



Christopher A. Mills

CAM:lad
Enclosure

cc: Counsel for Defendant per Certificate of Service

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

SEMINOLE ELECTRIC COOPERATIVE, INC.)	
)	
Complainant,)	
)	
v.)	Docket No. 42110
)	
CSX TRANSPORTATION, INC.)	
)	
Defendant.)	

**COMPLAINANT SEMINOLE ELECTRIC COOPERATIVE, INC.'S PETITION
TO EXTEND REMAINING DUE DATES UNDER PROCEDURAL SCHEDULE**

Pursuant to 49 C.F.R. Parts 1104.7(b) and 1115.5(a), Complainant

Seminole Electric Cooperative, Inc. ("SECI") respectfully requests that the Board extend the remaining due dates under the current procedural schedule for this proceeding as follows:

<u>Filing</u>	<u>Current Due Date</u>	<u>Proposed Due Date</u>
Complainant's Rebuttal Evidence	March 11, 2010	April 15, 2010
Closing Briefs	April 1, 2010	May 5, 2010

The proposed 35-day (five-week) extension of the due date for Rebuttal Evidence is necessitated by delays due to recent, severely adverse winter weather in the Washington, D.C. area, and the need for follow-up requests for workpapers and other supporting

materials related to the voluminous Reply Evidence of Defendant CSX Transportation, Inc. ("CSXT").

Counsel for CSXT has indicated that CSXT would not object to an extension of the due date for rebuttal evidence to March 31, 2010, but opposes an extension of this due date to April 15, 2010. However, SECI requires the entire five-weeks requested herein and urges the Board not to grant a shorter extension. CSXT will not be prejudiced by a five-week extension as it has no remaining evidentiary filings, and will continue to collect the common carrier rates that are the subject of SECI's Complaint during the modest additional period until the case is decided.

Good cause exists to grant the requested extension. CSXT's Reply Evidence, consisting of approximately 1,300 pages of narrative and exhibits as well as electronic workpapers and other materials, was filed on January 19, 2010. Just over two weeks later, on February 5, 2010, the Washington, D.C. area (where SECI's counsel and most of its expert witnesses reside) was hit with the first of two major snowstorms that dropped nearly four feet of snow on parts of the area, and seriously and adversely affected travel (including travel between homes and offices and travel into and out of the city in connection with various activities related to the preparation of SECI's Rebuttal Evidence) for more than a week.

In addition, SECI's initial review of CSXT's Reply Evidence indicated that CSXT postulated numerous modifications to SECI's stand-alone railroad ("SARR") traffic group and a new operating plan for much of the SARR's traffic. A number of the electronic workpapers supporting its Reply Evidence either were missing or required

follow-up communications with CSXT in order to explain or interpret them. The follow-up included inquiries concerning the “MultiRail” computer model used by CSXT in developing the new SARR operating plan, which CSXT did not include with its Reply workpapers. As the resolution of these data issues progressed, it became apparent that modifications to the peak train list and several of the other inputs used in conducting SECI’s Opening simulation of the SARR’s operations using the RTC Model should be made, and that a revised RTC Model simulation should be included with SECI’s Rebuttal Evidence. Additional time is needed to revise the Model inputs, conduct the simulation, and provide the output to other SECI experts for use in developing revised and/or updated operating statistics for use in the DCF model. Each of these activities is in direct response to points raised in CSXT’s Reply Evidence, and within the proper scope of rebuttal under the Board’s precedents. *See, e.g.,* STB Docket No. 42069, *Duke Energy Corp. v. Norfolk Southern Railway Company* (STB served November 6, 2003) at 13-15.

SECI has determined that a minimum extension of 35 days, or five weeks, is necessary to enable it to prepare and present its Rebuttal Evidence. A similar five-week extension of the due date for Closing Briefs is requested, to maintain the current interval between the filings of Rebuttal Evidence and Briefs.

CONCLUSION

For the foregoing reasons, good cause exists to extend the due dates for Rebuttal Evidence and Closing Briefs by 35 days.

Respectfully submitted,

SEMINOLE ELECTRIC
COOPERATIVE, INC.

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Dated: February 19, 2010

Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2010, copies of the foregoing Petition were electronically served on counsel for Defendant CSX Transportation, Inc., as follows:

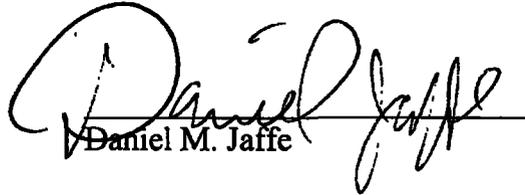
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2010, copies of the foregoing Petition were electronically served on counsel for Defendant CSX Transportation, Inc., as follows:

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