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BEFORE THE
SURFACE TRANSPORTATION BOARD

CARGILL, INC., *et al.*
Complainants,
v.
ABERDEEN AND ROCKFISH RAILROAD
COMPANY, *et al.*
Defendants.

Docket No. NOR-42117

ENTERED
Office of Proceedings
AUG 23 2010
Part of
Public Record

MOTION TO EXTEND MEDIATION PERIOD

In a decision released in this docket on June 8, 2010, the Board established a 30 day mediation period, which began with the appointment of a mediator on June 15, 2010. In a decision served on June 15, 2010, the Board granted an unopposed motion to extend the mediation period to 60 days. This extended mediation period expired on August 14, 2010. Complainants, Cargill, Inc., E.I. du Pont de Nemours and Company, ExxonMobil Corporation, Jones-Hamilton Co., PPG Industries, Inc., Reagent Chemical and Research Inc., and Taminco Methylamines, Inc., hereby move to extend the mediation period by an additional 30 days, until September 13, 2010.

The parties currently have a joint mediation session scheduled on September 7, 2010, at which time they will determine whether further mediation is desirable. If so, the parties will submit a further request for extension of the mediation period for an appropriate time.

Complainants' counsel has consulted with counsel for AAR, which has been coordinating the participation in the mediation by the "AAR Defendants,"¹ and has been informed that they do not object to this motion. Because the AAR Defendants are the only active railroad participants in the mediation process to date, we have not attempted to contact all of the defendants' counsel prior to filing this motion. All defendants, however, have been notified by the mediator of the September 7, 2010 mediation session.

¹ The "AAR Defendants" are the Association of American Railroads; Railinc, Corp; BNSF Railway Co.; Buffalo & Pittsburgh Railroad, Inc.; Canadian National Railway Co.; Canadian Pacific Railway Co.; CSX Transportation, Inc.; Gary Railway Co.; Norfolk Southern Railway Co.; Rochester & Southern Railroad, Inc.; The Kansas City Southern Railway Co.; and Union Pacific Railroad Co.

WHEREFORE, for the foregoing reasons, Complainants respectfully request that the Board extend the mediation period by an additional 30 days, until September 13, 2010.

Respectfully submitted,



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August 23, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have caused the Motion to Extend the Mediation Period to be served this 23rd day of August 2010:

1. By email:

<p>Robert Vom Eigen Foley & Lardner LLP 3000 K Street, N.W. Sixth Floor Washington, DC 20007-5109 <i>Counsel For Cedar Rapids and Iowa City Railway Co.</i></p>	<p>Michael Rosenthal Covington & Burling LLP 1201 Pennsylvania Avenue, N.W. Washington, DC 20004-2401 <i>Counsel For Association of American Railroads Railinc, Corp. BNSF Railway Co. Canadian National Railway Co. Canadian Pacific Railway Co. CSX Transportation, Inc. Gary Railway Co. Norfolk Southern Railway Co. The Kansas City Southern Railway Co. Union Pacific Railroad Co.</i></p>
<p>Eric M. Hocky Thorp Reed & Armstrong, LLP 2005 Market Street, Suite 1000 Philadelphia, PA 19103-7041 <i>Counsel for: Aberdeen and Rockfish Railroad Co., and New York, Susquehanna and Western Railway Corp.</i></p>	<p>Andy Goldstein McCarthy, Sweeney and Harkaway, P.C. 2175 K Street, N.W. Suite 600 Washington, DC 20037 <i>Counsel for: North American Freight Car Association</i></p>
<p>Mark H. Sidman Rose-Michele Nardi Weiner Brodsky Sidman Kider PC 1300 19th Street, N.W. – Fifth Floor Washington, DC 20036 <i>Attorneys for: Central Washington Railroad Company Montana Rail Link, Inc.</i></p>	<p>Louis E. Gitomer The Adams Building, Suite 301 600 Baltimore Avenue Townson, Maryland 21204-4022 <i>Attorney for: Indiana and Ohio Railway Company</i></p>
<p>Robert B. Burns Pan Am Railways 1700 Iron Horse Park North Billerica, MA 01862 <i>Attorney for: Boston and Maine Corporation Maine Central Railroad Company</i></p>	

<i>Pan Am Railways, Inc.</i> <i>Portland Terminal Company</i> <i>Springfield Terminal Railway Co.</i>	
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2. The following parties have been served by facsimile and first class mail:

Cindy Sanborn President Baltimore and Ohio Chicago Terminal Railroad Company c/o CSX Transportation Inc. 500 Water Street Jacksonville, FL 32202	Daniel R. Sabin President Iowa Northern Railway 122 North 2nd Street P.O. Box 640 Greene, IA 50636
Elgin, Joliet and Eastern Railway Company c/o Sean Finn Executive Vice President Corporate Services, and Chief Legal Officer Canadian National Railway 935 de La Gauchetiere St. West, Montreal, QC H3B 2M9	David Collins Suite 200, 1200-C Scottsville Road Rochester, NY 14624 <i>For Buffalo and Pittsburg Railroad Inc.</i> <i>Rochester and Southern Railroad, Inc.</i>



Jeffrey O. Moreno