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LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

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Office of Proceedings
April 26, 2018
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April 26, 2018

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Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46461</u>
	DECIDED DATE: <u>5-21-18</u>
	SERVICE DATE: <u>5-22-18</u>
	APPROVED: <u>[Signature]</u> Acting Director
	☒ <u>OFA due 7-5-18</u>

Re: STB Docket No. AB-33 (Sub-No. 327X), *Union Pacific Railroad Company --
Abandonment and Discontinuance of Service Exemption -- in Cerro Gordo
County, IA*

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1117.1, M&StL Group (M&StL) hereby petitions that the Board's decision in this proceeding served February 14, 2018 be amended to provide that M&StL will have 45 days after Union Pacific Railroad Company (UP) notifies the Board in writing that it has provided M&StL with the valuation information and documentation requested by M&StL, to file its OFA, instead of 10 days thereafter, as provided at page 2 of the decision.

In a decision served January 26, 2018, 90 days ago, M&StL was found to be preliminarily financially responsible, and UP was ordered to promptly provide the financial valuation information requested by M&StL. When UP failed to provide that information promptly, the Board issued a decision on February 14, 2018 tolling the time for M&StL to file its OFA until 10 days after UP notified the Board in writing that it has provided M&StL with the requested valuation information.

Although ordered to make the requested valuation information available to M&StL "promptly", UP is continuing to fail to provide that information 90 days after being ordered to do so.

This petition is grounded on fundamental procedural fairness. M&StL should not be required to file its OFA only 10 days after receipt of valuation information, when UP has taken nine times that amount of time to prepare and file its case. M&StL should be provided at least 45 days for filing its OFA in view of the time taken by UP.

THOMAS F. McFARLAND, P.C.

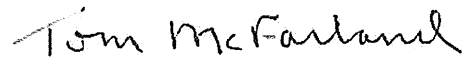
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WHEREFORE, the 10-day period for filing M&StL's OFA on page 2 of the Board's decision served February 14, 2018 should be extended to 45 days.

Respectfully submitted,



Thomas F. McFarland
Thomas F. McFarland, P.C.
208 South LaSalle St., #1666
Chicago, IL 60604-1227
(312) 236-0204 (office)
mcfarland@aol.com

Attorney for M&StL Group, LLC

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cc: Dave Johnson, *iatr@mchsi.com*

THOMAS F. McFARLAND, P.C.

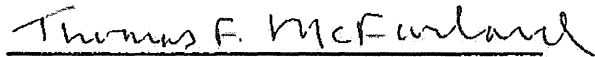
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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2018, I served the foregoing document on Jeremy M. Berman, Esq., Union Pacific Railroad Company, 1400 Douglas Street, Stop 1580, Omaha, NE 68179, by e-mail to jmberman@up.com and on Ms. Andrea Boulton, Iowa Natural Heritage Foundation, 505 Fifth Avenue Insurance Exchange Building, Suite 444, Des Moines, IA 50309 by e-mail to lhein@inhf.org.



Thomas F. McFarland