

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35981

FINCH PAPER LLC—PETITION FOR DECLARATORY ORDER

Decided: April 12, 2017

On March 24, 2017, the Board issued a decision affirming the January 18, 2017 discovery order of an Administrative Law Judge at the Federal Energy Regulatory Commission after the Board requested clarification from the ALJ about an August 24, 2016 order that granted, in its entirety, a motion to compel discovery. See Finch Paper LLC—Pet. for Declaratory Order, FD 35981 (STB served March 24, 2017).

In accordance with the Board's March, 24, 2017 decision (see id. at 5), Finch Paper LLC (Finch Paper) and Delaware and Hudson Railway Company d/b/a Canadian Pacific (CP Rail) filed a joint motion to amend the procedural schedule on March 31, 2017.¹

The proposed amended procedural schedule is reasonable, and the joint motion will be granted.

It is ordered:

1. CP Rail's responses to Finch Paper's discovery requests in accordance with the ALJ's January 18, 2017 decision are due by May 17, 2017.
2. Finch Paper is to complete any follow up to CP Rail's production by June 1, 2017.
3. Finch Paper's supplemental opening is due by June 26, 2017.
4. CP Rail's supplemental reply is due by July 17, 2017.
5. Finch Paper's rebuttal is due by July 31, 2017.
6. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

¹ The Board had held the procedural schedule in abeyance while ruling upon the appeal of the ALJ's discovery order. See Finch Paper LLC—Pet. for Declaratory Order, FD 35981 (STB served Oct. 6, 2016).