

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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Docket No. EP 767

First-Mile / Last-Mile Service

**MOTION OF THE AMERICAN CHEMISTRY COUNCIL AND
THE FERTILIZER INSTITUTE
TO EXTEND PROCEDURAL SCHEDULE**

In a Decision ("Decision") served September 2, 2021, the Surface Transportation Board ("Board") invited comments from stakeholders on issues regarding first-mile / last-mile ("FMLM") service. Comments are due by October 18, 2021 and reply comments by November 16, 2021. For the reasons set forth below, the American Chemistry Council and The Fertilizer Institute ("ACC/TFI") request that the Board extend those dates to December 17, 2021 and February 17, 2022, respectively.

ACC and TFI are trade associations representing the chemical and fertilizer industries, respectively. ACC/TFI commend the Board for undertaking this important assessment of FMLM service. The most troublesome and injurious rail service problems for ACC/TFI members occur at these first and last stages of the transportation process, yet this is where they often are most vulnerable to service disruptions. These also are the transportation stages where railroads impose numerous accessorial, storage, and demurrage charges upon shippers to sustain efficient rail operations but show little regard for how their service impacts the efficiency of their

shippers' operations. Indeed, FMLM service is at the core of the "reciprocity" complaints raised by the shipper community in Docket No. EP 757, *Policy Statement on Demurrage and Accessorial Rules and Charges*.

The Decision solicits extensive and detailed information from stakeholders. The questions posed by the Board cover three broad areas. First, the Board has asked for concrete examples of FMLM issues and has posed eight detailed questions. Second, the Board has posed over six questions about useful FMLM metrics and how they would be used. Third, the Board has asked over a half dozen questions about the data carriers maintain on FMLM and various trade-offs associated with varying degrees and scope of data reporting. ACC/TFI desire to provide as much information as they can to assist the Board's inquiry.

To answer these questions, ACC and TFI must engage with their members, who are the sources for most of the requested information. Additional time is essential to gather this information from dozens of companies, compile and analyze it, and prepare substantive comments. Therefore, to afford sufficient time for this process, ACC/TFI are requesting a 60-day extension of time for submitting opening comments, from October 18th to December 17th. In addition, because this extension would cause the window for preparing reply comments to fall over the Christmas and New Years' holidays, ACC/TFI also are requesting that reply comments be due 60 days after opening comments, which would be February 17, 2022.

For the foregoing reasons, ACC/TFI respectfully ask the Board to grant this motion.

Respectfully submitted,

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