

**FORD, MILLER & WAINER, P.A.**

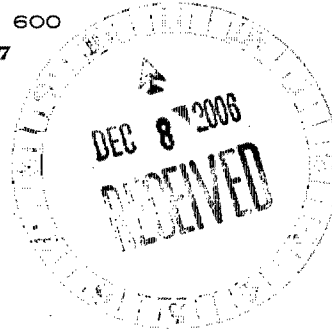
ATTORNEYS AT LAW

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ALISON A. TEDRICK

TELEPHONE  
(904) 390-1970  
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(904) 390-1975

December 6, 2006



**VIA FEDERAL EXPRESS**

Attn: Secretary  
Surface Transportation Board  
1925 "K" Street NW  
Suite 700  
Washington DC 20423

ENTERED  
Office of Administration

DEC 8 2006

RECEIVED  
Public Record

RE: Savannah Port Terminal Railroad, Inc. – Petition for Declaratory Order-  
Certain Rates & Practices as Applied to Capital Cargo, Inc.  
STB Docket No. FD34920

218234

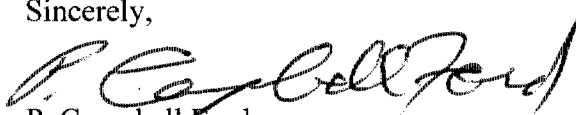
Dear Secretary:

Please find enclosed an original and ten (10) copies of Savannah Port Terminal Railroad's Amended Motion for Extension of Time to File Reply to Respondent's Cross-Claim and Motion to Dismiss. Our original Motion for an extension failed to include and address an extension of time for our response to Respondent's Motion to Dismiss.

In addition, please instruct both parties what each party should expect from the Surface Transportation Board ("STB"). It is our understanding that once the Petitioner replies to Respondent's Motion to Dismiss and Respondent's Cross-Claim, the STB will notify each party of its decision and provide us further instructions as to a Scheduling Plan. Mr. Rosenthal is under the impression by the language of the Codes of Federal Rules that the parties are to prepare a Scheduling Plan while the STB is making a decision. Please clarify the procedures for both parties.

Should you have any questions, please do not hesitate to contact me. A copy has been provided to opposing counsel.

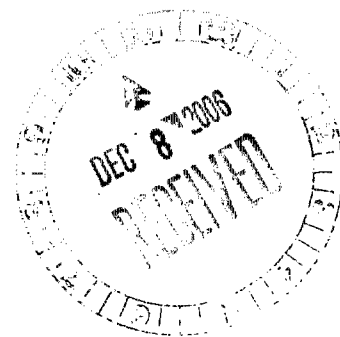
Sincerely,

  
P. Campbell Ford

Enclosure/

Original Motion for Extension of Time to File Reply  
10 Copies of Petition

C: Daniel L. Rosenthal, Esquire (1 copy only)



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**DOCKET NO.: FD34920**

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**SAVANNAH PORT TERMINAL RAILROAD, INC. –  
PETITION FOR DECLARATORY ORDER**

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**AMENDED MOTION OF PETITIONER'S, SAVANNAH PORT TERMINAL  
RAILROAD, INC., FOR EXTENSION OF TIME TO FILE  
RESPONSIVE PLEADING TO RESPONDENT'S CROSS-COMPLAINT  
AND MOTION TO DISMISS**

**P. Campbell Ford, Esq.  
Ford, Miller & Wainer, P.A.  
1200 Riverplace Blvd., Suite 600  
Jacksonville, Florida 32207  
904-390-1970 (telephone)  
904-390-1975 (facsimile)**

OFFICE OF THE  
CLERK  
JUL 23 2008  
U.S. DEPT. OF TRANSPORTATION

218234

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**DOCKET NO.: FD34920**

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**SAVANNAH PORT TERMINAL RAILROAD, INC. –  
PETITION FOR DECLARATORY ORDER**

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**AMENDED MOTION OF PETITIONER'S, SAVANNAH PORT TERMINAL  
RAILROAD, INC., FOR EXTENSION OF TIME TO FILE  
RESPONSIVE PLEADING TO RESPONDENT'S CROSS-COMPLAINT  
AND MOTION TO DISMISS**

Pursuant to 49 C.F.R. §1104.7, Petitioner, Savannah Port Terminal Railroad, Inc. ("SPTR"), respectfully requests an extension of time to and including January 31, 2007, to file its response to Respondent's, Capital Cargo, Inc. ("Capital Cargo"), Cross-Complaint and Motion to Dismiss, which would be due on or about December 19, 2006. The reason for requesting an extension is that SPTR needs sufficient time to respond to Capital Cargo's Cross-Complaint as there are substantial and complex issues relating to the contracts governing the parties' relationship and the applicability and interpretation of tariffs. In addition, SPTR's undersigned counsel is involved in a class action case that is scheduled to be heard for an evidentiary hearing later in this month of December; and the remaining days in December will be consumed by the holidays, which leaves inadequate time to prepare an Answer to the Cross-Complaint.

This Amended Motion for Extension of Time includes an extension of time to Respondent's Motion to Dismiss, which was erroneously and with excusable neglect filed with other case pleadings and not addressed in Petitioner's original Motion for Extension of Time. In a telephone conversation between Ella Lim, Esquire, of Ford, Miller & Wainer, P.A., and counsel for Capital Cargo, Daniel L. Rosenthal, Esquire, it was discovered that a Motion to Dismiss had been filed with the Surface Transportation Board.

The undersigned counsel have conferred with counsel for Capital Cargo, Daniel L. Rosenthal, Esquire, by Ella Lim, Esquire, of Ford, Miller & Wainer, P.A., that Mr. Rosenthal has no objections to an extension to reply to Capital Cargo's Cross-Complaint and Motion to Dismiss..

Dated: December 6, 2006

Respectfully submitted,

  
P. Campbell Ford, Esquire  
Ford, Miller & Wainer, P.A.  
1200 Riverplace Blvd., Suite 600  
Jacksonville, Florida 32207  
(904) 390-1970

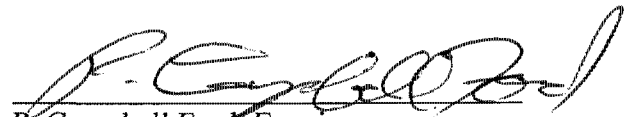
Attorney for Petitioner  
Savannah Port Terminal Railroad, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Secretary Surface Transportation Board, 1925 "K" Street NW, Suite 700, Washington, DC 24023 via federal express, and to Daniel L. Rosenthal, Verrill Dana LLP, P.O. Box 586, One Portland Square, Portland, ME 04112-0586 via U.S. Regular Mail on this 6th day of December, 2006.

Dated: December 6, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Campbell Ford", is written over a horizontal line.

P. Campbell Ford, Esquire  
Ford, Miller & Wainer, P.A.  
1200 Riverplace Blvd., Suite 600  
Jacksonville, Florida 32207  
(904) 390-1970

Attorney for Petitioner  
Savannah Port Terminal Railroad, Inc.