



DECISION ID NO.: 50852
DECIDED DATE: 7/6/2021
SERVED DATE: 7/7/2021
APPROVED: [Signature]
Acting Director

Office of
Proceedings

Replies due by
☐ August 16, 2021.

SURFACE TRANSPORTATION BOARD

EX PARTE 766

302591

ENTERED
Office of Proceedings
June 24, 2021
Part of
Public Record

JOINT PETITION FOR RULEMAKING—ANNUAL REVENUE ADEQUACY
DETERMINATIONS

MOTION FOR EXTENSION OF TIME

Union Pacific Railroad Company, Norfolk Southern Railway Company, and the U.S. operating affiliates of Canadian National Railway Company (“CN”) (collectively “Joint Carriers”) hereby respectfully request an additional 30-day extension of time to file their reply in this proceeding to accommodate the schedule of one of their expert witnesses who will be submitting a verified statement in support of Joint Carriers’ reply. Pursuant to the Board’s June 4, 2021 decision, replies are currently due on July 16, 2021. Joint Carriers respectfully request that this deadline be extended to Monday, August 16, 2021.

Joint Carriers are diligently preparing their reply comments. However, one of Joint Carriers’ expert witnesses, who will submit a verified statement in support of Joint Carriers’ reply, is in need of additional time to prepare an expert report in order to accommodate his professional obligations related to a trial proceeding. Due to this witness’s time constraints, Joint Carriers are requesting an additional extension of 30 days to allow time for Joint Carriers and their experts to provide the Board with a complete response to the arguments made by interested parties in opening comments.

The additional 30-day extension of time requested in this Motion would

not prejudice any party, particularly when compared to the length of time interested parties had to respond to Joint Carriers' proposal. From the time the Board opened a rulemaking proceeding on December 30, 2020 to consider the Petition (filed September 1, 2020), opening comments were not due until May 17, 2021 (a span of 138 days from the Board's decision and 258 days from the filing of the Petition). The requested extension is modest and would ensure the Board has the information needed to make a well-informed decision in this proceeding.

For these reasons, Joint Carriers respectfully request that the Board extend the time allowed for submitting its reply in this proceeding to Monday, August 16, 2021.

Respectfully submitted,

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Dated: June 24, 2021