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Office of Proceedings
June 8, 2016
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June 8, 2016

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: STB Docket No. 36036, *Valero Refining Company - California Petition for Declaratory Order*

Dear Ms. Brown:

On June 6, 2016, seven parties who oppose the above-referenced Petition for Declaratory Order submitted a motion ("Motion") for an extension until July 8, 2016 to file a reply to the Petition.

The opposition parties did not seek Valero's consent for the Motion. Valero does not oppose an extension if it would not delay the Board's ultimate decision on the merits of the Petition.

The opposition parties argue that institution of a proceeding is inappropriate, Motion at 3, yet assert that the Petition raises "preemption issues of potential national significance" and "implicates matters of significant public interest." Motion at 2. They also assert that "it is clear that ICCTA does not apply to a project proposed by a non-rail carrier." Motion at 3. Valero submits that the Motion demonstrates that the Board should institute a proceeding.

The opposition parties also argue that Valero's opportunity for rebuttal (included in the proposed procedural schedule) should be denied, relying on the Board's prohibition on sur-replies. Motion at 3. The Board includes rebuttal in a procedural schedule when necessary to allow a proponent to respond to opposition. See e.g., *Canadian Pacific Railway Limited - Petition for Declaratory Order*, STB Finance Docket 36004, slip op at 2 (STB served Mar. 10, 2016). Judging from the Motion, rebuttal is appropriate in this instance. In any case, the Board's prohibition on sur-replies is inapposite.

Respectfully submitted,

Kevin M. Sheys

Attorney for Valero Refining Company - California

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2016, I served an electronic copy of the foregoing upon the following parties:

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