

BEFORE THE
SURFACE TRANSPORTATION BOARD

Office of Proceeding
December 5, 2012
Part of Public
Record

TEXAS MUNICIPAL POWER AGENCY,)

Complainant)

v.)

THE BURLINGTON NORTHERN AND)
SANTA FE RAILWAY COMPANY,)

Defendant)

Docket No. NOR 42056

JOINT MOTION FOR STAY
AND TO HOLD PROCEEDING IN ABEYANCE

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Dated: December 5, 2012

on or before January 15, 2013. If these matters are not concluded by that date, however, TMPA and BNSF on that date will advise the Board in writing of the progress they have made in concluding the settlement and what further action (if any) they may request the Board to take at that time.

The parties' request that the Board temporarily hold this proceeding in abeyance, and stay further processing of the case pending the conclusion of the parties' settlement discussions, is consistent with Board practice in similar circumstances. *See, e.g., Seminole Elec. Coop., Inc. v. CSX Transp., Inc.*, STB Docket No. 42110 (STB served Aug. 11, 2010) (holding rate litigation in abeyance pending finalization of settlement agreement where request was reasonable). Granting the parties' request to hold this proceeding in abeyance and to withhold issuance of any decision on the merits is reasonable, will facilitate a privately negotiated resolution of the parties' dispute and will not prejudice any party.

For these reasons, TMPA and BNSF jointly request that the Board temporarily hold this proceeding in abeyance and stay all further proceedings or other actions in the matter, until January 15, 2013.

Respectfully submitted,

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