

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

INTERMOUNTAIN POWER AGENCY)	
)	
Complainant,)	
)	
v.)	Docket No. 42127
)	
UNION PACIFIC RAILROAD COMPANY)	
)	
Defendant.)	
)	

**ENTERED
Office of Proceedings
JUN 27 2011
Part of
Public Record**

MOTION FOR EXTENSION OF SCHEDULE

Complainant Intermountain Power Agency ("IPA") hereby files this motion for an extension of the procedural schedule in this case. Under the present schedule, IPA's opening evidence is due on July 13, 2011. For the reasons set forth below, IPA respectfully requests that the Board extend that due date by four weeks, until August 10, 2011, and that it make commensurate modifications to the remaining due dates in the case. IPA has been authorized to represent that it has conferred with counsel for Defendant Union Pacific Railroad Company ("UP") and that UP does not object to this request or to the proposed due dates set forth herein.

1. By filing dated January 6, 2011, the parties submitted an agreed-upon procedural schedule for this case. The Board adopted that schedule in its decision served January 27, 2011, as modified by its decision served May 10, 2011. Under that current schedule, opening evidence is due on July 13, 2011, reply

evidence is due on October 11, 2011, rebuttal evidence is due on December 2, 2011, and closing briefs are due on January 18, 2012.

2. Two circumstances have arisen which will prevent IPA from completing its opening evidence by July 13, 2011. First, IPA has recently concluded negotiations on, and expects to sign very shortly, a new coal supply arrangement and is engaged in final stages of negotiations for an additional new coal supply arrangement. Incorporating this new information into the SARR analysis, along with other developments such as certain recent changes in anticipated annual coal burns, will impact the coal tonnages to be transported during the life of the stand-alone railroad in this case and will require additional time. IPA is incorporating these recent developments into a forecast of anticipated coal sources and volumes which will be produced to UP. Allowing the extension requested through this motion will permit the parties to base their evidence on the most accurate information available regarding future traffic patterns and volumes.

3. Second, despite the diligent, good faith efforts of both parties, certain aspects of the discovery process have taken longer than the parties anticipated when they agreed to the original procedural schedule. In particular, while UP completed the majority of its document production in accordance with the schedule, IPA propounded certain agreed-upon follow-up requests after the initial round of discovery, and UP did not complete its responses to all of IPA's follow-up requests until this week. The documents received this week are important to the calculation of stand-alone costs.

4. Accordingly, IPA respectfully requests that the Board extend the due dates in this case as follows:

<u>Item</u>	<u>Current Due Date</u>	<u>Requested Due Date</u>
Opening Evidence	July 13, 2011	August 10, 2011
Reply Evidence	October 11, 2011	November 10, 2011
Rebuttal Evidence	December 2, 2011	January 3, 2012
Closing Briefs	January 18, 2012	February 15, 2012

6. Upon information and belief, a decision granting this extension request will not impact the submission of evidence in any other stand-alone cost case pending before the Board.

Respectfully submitted,

By: /s/ C. Michael Loftus
C. Michael Loftus
Christopher A. Mills
Andrew B. Kolesar III
Daniel M. Jaffe
Slover & Loftus LLP
1224 Seventeenth St., N.W.
Washington, D.C. 20036
(202) 347-7170

*Attorneys for Complainant
Intermountain Power Agency*

Dated: June 24, 2011

CERTIFICATE OF SERVICE

I hereby certify that this 24th day of June, 2011, I have caused copies of the foregoing to be served via email upon both Washington counsel and in-house counsel for the Defendant.

/s/ Andrew B. Kolesar III
Andrew B. Kolesar III