

41740
DO

SERVICE DATE – JULY 6, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42127

INTERMOUNTAIN POWER AGENCY
v.
UNION PACIFIC RAILROAD COMPANY

Decided: July 5, 2011

This decision modifies the procedural schedule in this proceeding.

Intermountain Power Agency (IPA) challenges the reasonableness of rates established by Union Pacific Railroad Company (UP) for unit train coal transportation service to IPA's electric generating facilities at Lynndyl, Utah. IPA alleges that UP possesses market dominance over the traffic and requests that maximum reasonable rates be prescribed pursuant to the Board's stand-alone cost (SAC) test. IPA also alleges that UP's failure to disclose its rates within 10 business days of when IPA requested them was an unreasonable practice.

The Board established a procedural schedule for this proceeding in a decision served on January 27, 2011. By a decision served on May 10, 2011, the Board modified that schedule to add a deadline for a joint submission of operating characteristics, a filing typically required in SAC rate proceedings.

On June 24, 2011, IPA filed a motion to extend the procedural schedule, which IPA states is unopposed by UP. IPA explains that it recently concluded negotiations on a new coal supply arrangement, that it is in the final stages of negotiations for an additional new coal supply arrangement, and that it needs additional time to incorporate this, and other new information, into the stand-alone railroad analysis it will be presenting. IPA also states that the discovery process has taken longer than anticipated despite the diligent, good faith efforts of both parties. Therefore, IPA requests the following revised procedural schedule, which would extend the outstanding deadlines in this proceeding by approximately four weeks:

Complainant Files Opening Evidence	August 10, 2011
Defendant Files Reply Evidence	November 10, 2011
Complainant Files Rebuttal Evidence	January 3, 2012
Parties File Closing Briefs	February 15, 2012

IPA's unopposed motion will be granted. The Board will modify the procedural schedule as described above.

It is ordered:

1. IPA's unopposed motion to modify the procedural schedule is granted.
2. The procedural schedule in this proceeding is revised as described above.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.