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SEC

SERVICE DATE - LATE RELEASE APRIL 24, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42051

WISCONSIN POWER AND LIGHT COMPANY
v.
UNION PACIFIC RAILROAD COMPANY

Decided: April 24, 2000

Opening statements in this maximum rate reasonableness proceeding are due on April 28, 2000, pursuant to the standard procedural schedule set out in 49 CFR 1111.8. Notwithstanding the pendency of interlocutory appeals of certain discovery matters,¹ complainant Wisconsin Power and Light Company (WPL) has indicated that it intends to comply with the procedural schedule, and defendant Union Pacific Railroad Company (UP) has expressed no intent to the contrary.

This proceeding is likely to involve many of the same issues that were raised in another pending proceeding, FMC Wyoming Corporation and FMC Corporation v. Union Pacific Railroad Company, STB Docket No. 42022 (FMC). Indeed, it appears likely that the stand-alone railroad (SARR) to be posited in this proceeding will resemble the SARR in FMC. We expect that a final decision on the merits in FMC will be served on May 12, 2000. This final decision will resolve the issues common to both proceedings and, in all likelihood, will provide substantial guidance to the parties and to the Board on the appropriate presentation and resolution of stand-alone cost issues to the extent the SARRs and their respective traffic are similar.

Under the circumstances, the parties and the Board will benefit from having a final decision in FMC available before the parties submit their opening presentations, and no prejudice will result from a short delay in the procedural schedule in this proceeding. Accordingly, the date for the parties' opening presentations will be delayed until June 15, 2000. The remainder of the procedural schedule will be adjusted commensurately.

It is ordered:

1. The due date for filing opening statements in this proceeding is extended to June 15,

¹ See decision served April 18, 2000. As noted there, the still-disputed matters will bear on the parties' replies, and not on their opening presentations. Accordingly, that decision did not postpone the procedural schedule.

2000. Replies are due August 14, 2000, and rebuttals are due September 13, 2000.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary