

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
March 29, 2013
Part of Public Record

TEXAS MUNICIPAL POWER)	
AGENCY)	
)	
)	
Complainant,)	
)	
v.)	Docket No. NOR 42056
)	
THE BURLINGTON NORTHERN)	
AND SANTA FE RAILWAY)	
COMPANY)	
)	
Defendant.)	

**MOTION TO DISMISS PETITION TO REOPEN
AND MODIFY RATE PRESCRIPTION WITH PREJUDICE**

Complainant, Texas Municipal Power Agency (“TMPA”) has reached a voluntary settlement with Defendant, BNSF Railway Company (formerly The Burlington Northern and Santa Fe Railroad), regarding the matters in this proceeding. Accordingly, TMPA requests that the Surface Transportation Board dismiss the Petition to Reopen and Modify Rate Prescription with prejudice, and discontinue the proceeding.

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43074</u>
	DECIDED DATE: <u>4/22/13</u>
	SERVICE DATE: <u>4/23/13</u>
	APPROVED: <u>Rachel D Campbell</u> Director
	<input type="checkbox"/> _____

Respectfully submitted,

**TEXAS MUNICIPAL POWER
AGENCY**

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/s/ Kelvin J. Dowd
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Attorneys and Practitioners

Dated: March 29, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of March, 2013, I caused copies of the foregoing Motion to Dismiss Petition to Reopen and Modify Rate Prescription to be served by hand on counsel for Defendant BNSF Railway Company, as follows:

Samuel M. Sipe, Jr., Esq.
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/s/ Daniel M. Jaffe

Daniel M. Jaffe