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SEC

SERVICE DATE - SEPTEMBER 11, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42054

PPL MONTANA, LLC

v.

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: September 8, 2000

In a decision served on August 9, 2000, a revised procedural schedule was established in this proceeding as follows:

September 19, 2000	End of discovery period
November 3, 2000	Opening statements due
January 17, 2001	Reply statements due
February 26, 2001	Rebuttal statements due.

In a joint motion filed on September 6, 2000, the parties request a 20-day extension of the procedural schedule. They note that complainant, PPL Montana, LLC (PPL), has incurred unavoidable delays in responding to the discovery requests of defendant, The Burlington Northern and Santa Fe Railway Company (BNSF). Specifically, PPL is a new entity, having acquired the coal-fired generating facilities from Montana Power Company effective December 17, 1999. BNSF's discovery requests generally seek information from January 1, 1997, to the present (the same general time period covered by PPL's discovery requests of BNSF). PPL states that its responses have been delayed owing to its small staff and their unfamiliarity with Montana Power Company files.

In addition, PPL states that the unprecedented extent of the fires in the State of Montana during July and August of this year has seriously affected PPL's operations and has imposed increased demands on the resources of PPL's General Counsel (and sole in-house attorney), Mr. David Kinnard, who is the only person at PPL who can manage the production of documents responsive to BNSF's discovery requests.

BNSF similarly seeks an extension of the discovery schedule due to the extent of PPL's discovery requests and the need to search numerous databases and consult with various business units for responsive information.

Finally, the parties have mutually expressed their willingness to review documents that

are to be produced before filing any motions to compel. Although this procedure is time-consuming, it is expected to obviate the more serious delays involved in disputed discovery.

The extension request is reasonable and will be granted.

It is ordered:

1. The joint request for a 20-day extension of the procedural schedule is granted. The revised procedural schedule in this proceeding is as follows:

October 10, 2000	End of discovery period
November 24, 2000	Opening statements due
February 6, 2001	Reply statements due
March 19, 2001	Rebuttal statements due.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary