

SERVICE DATE - JULY 24, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42071

OTTER TAIL POWER COMPANY

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

Decided: July 23, 2003

By a joint motion filed on July 17, 2003, Otter Tail Power Company (Otter Tail) and The Burlington Northern and Santa Fe Railway Company (BNSF) seek to extend by 30 days the time to file reply and rebuttal evidence, changing the deadline for filing reply evidence from September 8, 2003, to October 8, 2003, and the deadline for filing rebuttal evidence from October 23, 2003, to November 24, 2003.¹ The parties state that the extension is needed because Otter Tail filed errata to its opening evidence, changing certain operating statistics for its stand-alone railroad (SARR) and thereby affecting the output of its opening discounted cash flow analysis. BNSF represents that, in light of these changes, it will have to redo much of the work performed by outside counsel and consultants relating to the operations, capacity and construction of Otter Tail's SARR.

The request is reasonable. Accordingly, the motion to extend the remaining procedural schedule will be granted.

It is ordered:

1. The parties' joint motion to extend the procedural schedule, as established in the December 26, 2002 decision, is granted.
2. The procedural schedule in this proceeding is amended as follows:

October 8, 2003

Reply evidence due.

November 24, 2003

Rebuttal evidence due.

¹ In a decision served December 26, 2002, the Board established a new procedural schedule in this proceeding. Consistent with that schedule, the parties each filed opening statements on June 13, 2003.

3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary