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SERVICE DATE – DECEMBER 16, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42127

INTERMOUNTAIN POWER AGENCY
v.
UNION PACIFIC RAILROAD COMPANY

Decided: December 15, 2011

This decision holds in abeyance the procedural schedule for 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 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.

In accordance with the procedural schedule, IPA filed its opening evidence on August 10, 2011, and UP filed its reply evidence on November 10, 2011. Under the current procedural schedule, IPA's rebuttal evidence is due January 3, 2012.

On December 8, 2011, IPA filed a petition to supplement the record, in which it requests that the Board modify the procedural schedule to accommodate the filing of supplemental evidence by both parties. Under 49 C.F.R. § 1104.13, UP has until December 28, 2011, to file a reply to IPA's petition.

To provide adequate opportunity to consider IPA's petition and any reply that is due on December 28, 2011, the Board will hold the current procedural schedule, which establishes the January 3, 2012 rebuttal evidence deadline, in abeyance pending a Board decision on IPA's December 8, 2011 petition.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The procedural schedule for this proceeding is held in abeyance.

2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.