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SEC

SERVICE DATE – NOVEMBER 15, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42088

WESTERN FUELS ASSOCIATION, INC., AND
BASIN ELECTRIC POWER COOPERATIVE

v.

BNSF RAILWAY COMPANY

Decided: November 15, 2005

Western Fuels Association, Inc., and Basin Electric Power Cooperative (collectively, WFA), challenge the reasonableness of rates charged by BNSF Railway Company (BNSF) for movements of coal from origins in the Powder River Basin of Wyoming to WFA's Laramie River electric generating station near Moba Junction, WY. The parties filed their opening evidence on April 19, 2005; reply evidence on July 20, 2005; and rebuttal evidence on September 30, 2005. In a decision served on October 20, 2005, the parties were directed to file briefs by no later than November 22, 2005.

On November 9, 2005, WFA filed a request to extend the briefing schedule, noting that, on October 20, 2005, BNSF filed a motion to strike and for leave to file a limited surrebuttal which contained extensive additional evidence. In responding to BNSF's motion, WFA has been delayed in preparing its brief. WFA states that its extension request is not opposed.

WFA's unopposed request for an extension of the due date for briefs in this proceeding is reasonable and will be granted as set forth below.

It is ordered:

1. Briefs not to exceed 25 pages in length are due by December 6, 2005.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary