

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42088

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

v.

BNSF RAILWAY COMPANY

Decided: October 20, 2005

Western Fuels Association, Inc., and Basin Electric Power Cooperative (collectively, WFA), challenge the reasonableness of rates charged by BNSF Railway Company 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.

The Board is establishing a briefing schedule, providing for a single round of simultaneous briefs, not exceeding 25 pages in length, to be filed by November 22, 2005. In the briefs, each party should set forth its position on key issues in light of the full record and identify issues that have been narrowed or are no longer in dispute. The parties are reminded that new evidence is not permitted in briefs and will be subject to motions to strike and other sanctions.

It is ordered:

1. Briefs not to exceed 25 pages in length are due by November 22, 2005.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary