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SEC

SERVICE DATE – LATE RELEASE FEBRUARY 10, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42091

ARIZONA PUBLIC SERVICE COMPANY & PACIFICORP

v.

BNSF RAILWAY COMPANY¹

Decided: February 10, 2006

By motion filed on January 20, 2006, complainants, Arizona Public Service Company and PacifiCorp, request that their complaint be dismissed with prejudice, due to settlement.² Complainants' motion will be granted.

It is ordered:

1. The complaint is dismissed with prejudice.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ Effective January 20, 2005, The Burlington Northern and Santa Fe Railway Company changed its name to BNSF Railway Company.

² The complaint challenged the reasonableness of the rates charged by The Burlington Northern and Santa Fe Railway Company (now BNSF Railway Company) for transportation of coal from the McKinley and Lee Ranch mines in New Mexico to complainants' Cholla Electric Steam Generation Station near Joseph City, Arizona.