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SEC

SERVICE DATE - SEPTEMBER 27, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42051

WISCONSIN POWER & LIGHT COMPANY

v.

UNION PACIFIC RAILROAD COMPANY

Decided: September 26, 2001

By decision served on September 13, 2001, the Board found that the Union Pacific Railroad Company (UP) has market dominance over the traffic at issue and that its common carrier rate for moving trainloads of coal from the Black Thunder and Antelope mines in the Powder River Basin of Wyoming to Wisconsin Power and Light Company's (WPL) Edgewater electric-generating facility at Sheboygan, WI, is unreasonably high. The Board prescribed rates and ordered reparations for these movements. Under the Board's rules, any petition for stay had to be filed by September 24, 2001. However, by decision served on September 21, 2001, the Board granted UP's request for an extension until October 3, 2001, of the deadline for filing petitions for stay.

By petition filed on September 24, 2001, WPL requests a 14-day extension, until October 17, 2001, of the due date for filing petitions for reconsideration and/or stay pending judicial review with respect to the Board's September 13 decision on the merits of WPL's rate complaint. WPL represents that UP does not object to the requested extension.

According to WPL, the additional time is required so that the parties can analyze the lengthy and complex decision, and the extension will help both parties narrow the issues, if any, on which they may seek reconsideration. WPL notes that the parties agree that an extension of the October 3, 2001 deadline for filing stay petitions to coincide with the 14-day extension that WPL is seeking here is appropriate and would prevent prejudice to either party. According to WPL, the parties are in the process of negotiating several important issues that might obviate the need for reconsideration or a stay. WPL maintains that such negotiations are consistent with the Board's preference that parties settle their disputes privately.

WPL's request for an extension is reasonable and will be granted.

It is ordered:

1. The due date for petitions for reconsideration and/or stay in this proceeding is extended to October 17, 2001.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary