

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42006

OMAHA PUBLIC POWER DISTRICT
v.
UNION PACIFIC RAILROAD COMPANY

Decided: July 18, 1997

In a petition filed June 20, 1997, Omaha Public Power District (OPPD) seeks an order establishing an expedited procedural schedule for its contemporaneously filed coal rate complaint. The complaint challenges the reasonableness of a switching charge assessed by Union Pacific Railroad Company (UP) to move OPPD's unit trains of coal from an alleged interchange with The Burlington Northern and Santa Fe Railway Company (BNSF) to OPPD's North Omaha Power Station, a distance of approximately 5 miles.¹ The 150-day procedural schedule proposed by OPPD in lieu of the standard 210-day procedural schedule in 49 CFR 1111.8 would shorten the discovery period by 15 days, the period for preparing opening presentations by 15 days, and the period for preparing reply evidence by 30 days. OPPD contends that this schedule is adequate given "the discrete nature of this case and the short length of track over which a stand-alone cost calculation will be made." In an accompanying verified statement, OPPD's economic consultant opines, based on his experience in numerous coal rate proceedings, that the proposed 150-day schedule is adequate.

On June 30, 1997, UP filed a reply in opposition to the petition for an expedited procedural schedule. UP points out that OPPD has not shown that it would be prejudiced under the standard procedural schedule. UP further states that it expects to need the full amount of time provided by the standard procedural schedule in order to complete discovery and prepare its evidentiary submissions. In light of this opposition, and the absence of substantial justification in OPPD's petition, there would appear to be no reason to depart from the standard 210-day procedural schedule prescribed in 49 CFR 1111.8. This proceeding will be governed accordingly.

It is ordered:

1. OPPD's petition for an expedited procedural schedule is denied.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ The coal movements are transported by BNSF from origin coal mines in the Powder River Basin of Wyoming to the UP interchange point under a rail transportation contract denominated ICC-BN-C-2205. BNSF absorbs a portion of the UP switching charge.