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SEC

SERVICE DATE – LATE RELEASE MAY 16, 2008

SURFACE TRANSPORTATION BOARD

NOTICE

STB Docket No. 42088

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

v.

BNSF RAILWAY COMPANY

The following court action was instituted, on or about April 28, 2008, in the United States Court of Appeals for the District of Columbia Circuit, seeking judicial review of the Board's decision in the above-titled proceeding:

No. 08-1167

Western Fuel Association, Inc.

v.

Surface Transportation Board and United States of America

Anne K. Quinlan  
Acting Secretary