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SERVICE DATE – APRIL 29, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42110

SEMINOLE ELECTRIC COOPERATIVE, INC.

v.

CSX TRANSPORTATION, INC.

Decided: April 29, 2010

This decision grants a motion to revise the procedural schedule filed by CSX Transportation, Inc. (CSXT).

On October 3, 2008, Seminole Electric Cooperative, Inc. (SECI) filed a complaint challenging the reasonableness of the rates established by CSXT for transportation of coal from various origins to SECI's Seminole Generating Station, near Palatka, Fla., effective January 1, 2009. SECI alleges that CSXT possesses market dominance over this traffic and requests that reasonable rates be prescribed pursuant to the Board's stand-alone cost (SAC) test.

The Board established a procedural schedule in this proceeding in a decision served on December 11, 2008. In that decision the Board noted that it would extend the default procedural schedule in order to allow more time for the parties to prepare their cases. In decisions served on May 6, 2009, July 13, 2009, and March 5, 2010, the Board granted motions from SECI to extend the procedural schedule.

By a motion filed on April 21, 2010, CSXT requests that the Board revise the March 5 procedural schedule by extending the deadline for closing briefs from May 5, 2010, to June 4, 2010. CSXT states that the Board should grant its request for an extension of the procedural schedule because: (1) SECI's rebuttal evidence is voluminous and the current deadline would not provide enough time to analyze the evidence and prepare a brief addressing all of the parties' arguments; (2) several of CSXT's witnesses and consultants have scheduling conflicts with the May 5, 2010 deadline; and (3) the Board has granted SECI 3 requests for extension of the procedural schedule to provide SECI additional time to prepare evidence, and, in turn, the Board should grant CSXT's request for an extension to analyze that evidence before filing its closing brief. CSXT also states that it has been authorized to represent that SECI does not oppose the extension request.

Good cause exists to revise the procedural schedule in this proceeding, and therefore CSXT's unopposed motion will be granted. The Board will extend the remaining deadline of the procedural schedule in this proceeding by approximately 4 weeks.

It is ordered:

1. CSXT's motion to revise the procedural schedule, as last established in a decision served on March 5, 2010, is granted.

2. The procedural schedule in this proceeding is revised as follows:

June 4, 2010

Closing briefs due.

3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.