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SEC

SERVICE DATE – AUGUST 21, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42104

ENTERGY ARKANSAS, INC. AND ENTERGY SERVICES, INC.

v.

UNION PACIFIC RAILROAD COMPANY

AND

MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC.

Finance Docket No. 32187

MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC.

– LEASE, ACQUISITION AND OPERATION EXEMPTION –

MISSOURI PACIFIC RAILROAD COMPANY AND BURLINGTON NORTHERN
RAILROAD COMPANY

Decided: August 21, 2009

Pursuant to the Board's June 26, 2009 decision in this proceeding, Entergy Arkansas, Inc., and Entergy Services, Inc. (jointly, Entergy) filed an amended complaint on July 27, 2009, seeking the prescription of a through route (or routes) directing the Missouri & Northern Arkansas Railroad Company, Inc. (MNA) and/or Union Pacific Railroad Company (UP) to interchange traffic with a long-haul carrier other than UP in order to provide adequate and more economic or efficient transportation of coal from Powder River Basin mines to Entergy's Independence Steam Electric Station near Newark, AR. Co-owner of the Independence plant, Arkansas Electric Cooperative Corporation (AECC), also filed a pleading on July 27, 2009, joining in and supplementing Entergy's amended complaint.

In accordance with the Board's June 26, 2009 decision, Entergy filed, on August 10, 2009, a proposed procedural schedule, for processing its amended complaint. Entergy states that MNA, UP, and AECC each agree to the proposed schedule. The schedule will be adopted as proposed with one modification. The Board will not set a date for a technical conference, but will instead order one if and when the need should arise.¹

¹ On August 17, 2009, UP and MNA filed answers to Entergy's amended complaint and AECC's joinder and supplement. MNA also filed a motion to dismiss the complaint and a motion to require Entergy to make its complaint more definite. The issues raised by these pleadings will be resolved in a subsequent decision.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The following procedural schedule is adopted:

Close of Discovery	November 18, 2009
Opening evidence and Argument (Entergy/AECC)	January 7, 2010
Reply Evidence and Argument (UP/MNA)	February 12, 2010
Rebuttal evidence and Argument (Entergy/AECC)	March 9, 2010

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

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary