

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 41191 (Sub-No. 1)

AEP TEXAS NORTH COMPANY

v.

BNSF RAILWAY COMPANY<sup>1</sup>

STB Docket No. 42088

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

v.

BNSF RAILWAY COMPANY

Decided: September 26, 2007

In two separate decisions served on September 10, 2007 (September 2007 Decisions), the Board determined that the challenged rates being charged by the defendant carrier—in both cases, BNSF Railway Company (BNSF)—had not been shown to be unreasonable under the Board's stand-alone cost (SAC) methodology. The Board explained, however, that, because it had implemented a new revenue allocation methodology that could affect the basic design of a SAC case, fairness dictated that the complainants—Western Fuels Association, Inc. and Basin Electric Power Cooperative, Inc. (collectively, WFA), and AEP Texas North Company (AEP Texas)—have an opportunity to modify their SAC presentations. Accordingly, in the September 2007 Decisions, the Board directed the complainants in both cases to inform the Board by October 10, 2007, if they wished to supplement or revise their SAC presentations. Pursuant to 49 CFR 1115.3(e), petitions for reconsideration of the September 2007 Decisions are due within 20 days of service.

On September 20, 2007, WFA and AEP Texas filed separate requests for extension of time to inform the Board if they wished to supplement or revise their SAC presentations, as well as extensions of time for the filing of petitions for reconsideration. WFA and AEP Texas have requested that the due date for both filings be extended until October 22, 2007.

AEP Texas asserts that the extension of time is needed because of the sheer volume of evidentiary material, the pendency of its request for certain spreadsheets from the Board, the

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<sup>1</sup> These proceedings are not consolidated. They are being handled together in a single decision for administrative convenience.

time required to analyze the Board's new revenue allocation methodology, and the fact that the complainant's counsel and economic experts are involved in several Board-related matters simultaneously. WFA asserts similar reasons for its extension requests. WFA cites the complexity of SAC cases generally and the unique circumstances here of two rate reasonableness decisions issued on the same day as justification for its request. AEP Texas and WFA also state that BNSF does not object to their extension requests.

The complainants' requests for extensions of time to inform the Board if they wish to supplement or revise their SAC presentation and to file petitions for reconsideration are reasonable and will be granted. Accordingly, the due dates for these filings will be extended until October 22, 2007.

It is ordered:

1. WFA's and AEP Texas' motions for extension of time are granted. WFA and AEP Texas shall advise the Board by October 22, 2007, whether they wish to submit supplemental SAC evidence. Petitions for reconsideration are due by October 22, 2007.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary