

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42057

PUBLIC SERVICE COMPANY OF COLORADO D/B/A XCEL ENERGY
v.
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: December 22, 2004

In this proceeding, the Public Service Company of Colorado d/b/a Xcel Energy (Xcel) challenged the reasonableness of the rates charged by The Burlington Northern and Santa Fe Railway Company (BNSF) for movements of coal from origins in the Powder River Basin (PRB) of Wyoming to Xcel's Pawnee steam electric generating plant near Brush, CO. In a decision served on June 8, 2004 (June 2004 Decision), the Board found that BNSF has market dominance over that transportation and that the challenged rate is unreasonably high based upon a stand-alone cost (SAC) analysis. The Board prescribed maximum reasonable rates through the year 2020 and awarded reparations to Xcel.

On June 23, 2004, BNSF filed a petition to correct technical and computational errors in the June 2004 Decision, to which Xcel filed a response on July 13, 2004. By decision served on December 14, 2004, the Board made various technical corrections to the June 2004 Decision. However, for certain technical corrections, Xcel or BNSF had no opportunity to respond prior to the Board's decision. Thus, the decision also provided both parties an opportunity to file a supplemental pleading within 20 days addressing whether they believe particular adjustments were proper.

Pursuant to the December 14, 2004 decision, the supplemental pleadings would be due by January 3, 2005. On December 20, 2004, Xcel filed a motion for an extension until January 10, 2005, for both parties to file their supplemental pleadings. In support of the extension request, Xcel states that additional time is needed because counsel, experts, and other relevant personnel will not be available on a consistent basis during the holiday season, and because it received the electronic workpapers upon which the technical corrections were based just before the holidays. According to Xcel, BNSF does not oppose the request.

Under the circumstances, the extension request is reasonable and will be granted. However, because the issues that the parties were asked to address are limited in nature, and for the sake of expediting the resolution of this proceeding, the parties are directed to file their supplemental pleading jointly.

It is ordered:

1. Xcel and BNSF shall jointly file any supplemental pleading authorized by the December 14, 2004 decision by January 10, 2005.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary