

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: April 15, 2008

By decision served on March 27, 2008, the Board commenced a proceeding to hear the issues in these dockets and adopted a procedural schedule. By motion filed later on the same day, the parties notified the Board that they had previously conferred and agreed on a different procedural schedule. The revised procedural schedule proposed by the parties includes a deadline for the end of discovery and a due date for briefs following submission of opening, reply, and rebuttal evidence and argument.

The parties' agreed-upon schedule provides significantly more time for record development than the one previously established by the Board. In this decision, the Board is modifying that previously established schedule to provide a deadline for completing discovery as suggested by the parties and to extend the due dates for filing opening, reply, and rebuttal evidence and argument. The Board is not calling for the filing of briefs at this time but a due date for briefs can be established, if warranted, at a later date. This new schedule, while more expeditious than that offered by the parties, should be sufficient and would allow for prompt resolution of the matters raised in these proceedings.

The revised procedural schedule adopted by the Board is as follows:

End of Discovery	May 10, 2008
Entergy's Opening Evidence and Argument	June 10, 2008

Defendants' Reply Evidence and Argument July 10, 2008

Entergy's Rebuttal Evidence and Argument July 30, 2008

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

It is ordered:

1. The revised procedural schedule appearing above is adopted.

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

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

Anne K. Quinlan
Acting Secretary