

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42058

ARIZONA ELECTRIC POWER COOPERATIVE, INC.,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY
AND UNION PACIFIC RAILROAD COMPANY

Decided: November 27, 2002

By a decision served on December 31, 2001, the procedural schedule in this proceeding was suspended pending the completion of discovery.¹ By motion filed on November 20, 2002, AEPCO, UP, and BNSF state that discovery is nearing completion and jointly request that the procedural schedule set forth below be established. In light of the agreement of the parties, the request to establish a new procedural schedule will be granted and the schedule will be set as proposed.

It is ordered:

1. The parties' joint motion to establish a procedural schedule is granted.
2. The procedural schedule in this proceeding is as follows:

December 16, 2002	Close of discovery.
February 7, 2003	Opening evidence due.

¹ The December 31 decision also disposed of complainant Arizona Electric Power Cooperative, Inc.'s (AEPCO) first motion to compel discovery along with other procedural matters. Subsequently, defendants' joint petition for an order requiring separate evidentiary submissions—including separate stand-alone cost presentations—for each of the three sets of challenged rates was resolved in a decision served on August 20, 2002. Defendant Union Pacific Railroad Company's (UP) and complainant's cross-petitions for clarification, and complainant's second and third motion to compel, were addressed in a decision served on September 11, 2002. Finally, defendants' joint petition for issuance of a third-party subpoena duces tecum was withdrawn in a notice filed on November 4, 2002, by Defendant The Burlington Northern and Santa Fe Railway Company (BNSF) on behalf of both defendants.

May 27, 2003

Reply evidence due.

July 3, 2003

Rebuttal evidence due.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary