



DECISION ID NO.: 42367
 DECIDED DATE: 4/30/12
 SERVICE DATE: 4/30/12
 APPROVED: Rachel Campbell
Director

232225

ENTERED

Office of Proceeding

April 20, 2012

Part of

Public Record

STB Finance Docket No. 35557

**REASONABLENESS OF BNSF RAILWAY COMPANY
 COAL DUST MITIGATION TARIFF PROVISIONS**

**BNSF RAILWAY COMPANY'S MOTION TO WITHDRAW
 (1) MOTION TO COMPEL DISCOVERY FROM AMEREN MISSOURI
 AND (2) PETITION FOR SUBPOENA TO AMEREN ENERGY FUELS & SERVICES**

BNSF Railway Company ("BNSF") hereby moves to withdraw its (1) Motion to Compel Discovery from Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri"), and (2) Petition for Subpoena with respect to Ameren Energy Fuels & Services Company ("AFS"). Counsel for Ameren Missouri and AFS have authorized BNSF to represent that Ameren Missouri and AFS do not oppose this motion.

On January 27, 2012, BNSF filed a petition for subpoenas asking the Board to issue subpoenas to the individual members of Western Coal Traffic League ("WCTL"), including AFS. On February 6, 2012, BNSF moved to compel responses from Ameren Missouri to Requests for Production 3, 4, 5, 6, 7, 8, and 9 in BNSF's First Set of Interrogatories and Requests for Production to Ameren Missouri.

On February 27, 2012, the Director of the Office of Proceedings issued a decision concluding that "individual members [] of the [WCTL] are subject to discovery in this proceeding under the Board's subpoena power and that Union Electric Company D/B/A Ameren Missouri [] likewise is subject to discovery as a party-intervenor." *Reasonableness of BNSF Ry. Co. Coal Dust Mitigation Tariff Provisions*, STB Fin. Docket No. 35557, at 1 (STB served Feb. 27, 2012).

BNSF and the Ameren companies have reached a negotiated resolution of the discovery dispute that is the subject of BNSF's Motion to Compel Discovery from Ameren Missouri and Petition for Subpoena with respect to AFS. Therefore, BNSF seeks to withdraw its (1) Motion to Compel Discovery from Ameren Missouri, and (2) Petition for Subpoena with respect to AFS. As indicated above, this motion is unopposed.

Respectfully submitted,



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Dated: April 20, 2012

Attorneys for BNSF Railway Company

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2012, I caused a copy of the foregoing to be served by e-mail or first-class mail, postage prepaid, upon all parties of record in this case as follows:

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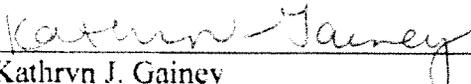
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