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SERVICE DATE – LATE RELEASE JANUARY 12, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35305

ARKANSAS ELECTRIC COOPERATIVE CORPORATION – PETITION FOR
DECLARATORY ORDER

Decided: January 12, 2010

In a decision served on December 1, 2009, the Board instituted a declaratory order proceeding in this matter in response to a petition filed by Arkansas Electric Cooperative Corporation and the reply of BNSF Railway Company. That decision also required anyone interested in participating in the proceeding as a party of record to file a notice of intent to participate no later than December 11, 2009. The Board then served a decision establishing the service list in this proceeding on January 6, 2010. On January 11, 2010, AES Shady Point, Inc. (AES) advised the Board that it intended to withdraw its notice of intent to participate in this proceeding. The Board will grant AES's request to withdraw.

It is ordered:

1. The request to withdraw the notice of intent to participate is granted.
2. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.