

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**


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<b>REASONABLENESS OF BNSF</b>	)	
<b>RAILWAY COMPANY COAL</b>	)	
<b>DUST MITIGATION TARIFF</b>	)	<b>Docket No. FD 35557</b>
<b>PROVISIONS</b>	)	
	)	

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**CONSENT MOTION  
TO AMEND PROTECTIVE ORDER**

The Member Organizations of the Western Coal Traffic League (“WCTL Member Organizations”) that were the subject of the Director of the Office of Proceedings’ February 27, 2012 Decision and the Board’s June 25, 2012 Decision<sup>1</sup> hereby request that the Board amend the January 13, 2012 protective order in this proceeding, as amended on February 17, 2012 (collectively “Protective Order”). In support hereof, WCTL Member Organizations state as follows:

1. As described in the Joint Motion to Cancel Technical Conference Currently Scheduled for July 18, 2012 filed on July 17, 2012 (“Joint Motion”), BNSF and WCTL Member Organizations have reached a negotiated resolution of BNSF’s discovery requests.

2. In Paragraph 4 of the Joint Motion, BNSF and WCTL Member Organizations advised the Board that counsel for the WCTL Member Organizations will separately file a motion to amend the protective order to encompass any information produced by the WCTL Member Organizations in this proceeding.

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<sup>1</sup> See June 25, 2012 Decision at 2 n.2 and 8 n.13.

3. The Protective Order currently only covers “parties” to this proceeding. To ensure that production of any information by non-party WCTL Member Organizations may be made in an orderly fashion, and is protected from unauthorized disclosure, the Protective Order is required to be amended to encompass any such non-party produced information.

4. Counsel for WCTL Member Organizations have discussed this matter with counsel for BNSF, and BNSF has stated that it does not oppose the granting of this motion.

WHEREFORE, for the foregoing reasons, WCTL Member Organizations respectfully request that the Board amend the Protective Order in this case to add the language set forth in *Attachment A* hereto, to cover the WCTL Member Organizations that were the subject of the Director of the Office of Proceeding’s February 27, 2012 Decision and the Board’s June 25, 2012 Decision.

Respectfully submitted,

MEMBER ORGANIZATIONS OF  
WESTERN COAL TRAFFIC LEAGUE

Of Counsel:

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Dated: July 23, 2012

By: /s/ Peter A. Pfohl  
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Requested Amendment to Protective Order

“12. This Protective Order covers non-party organizations that were the subject of the Director of the Office of Proceeding’s February 27, 2012 Decision and the Board’s June 25, 2012 Decision. For purposes of this Protective Order, the term ‘party’ as used herein shall include such organizations.”

**CERTIFICATE OF SERVICE**

I hereby certify that this 23rd day of July, 2012, I have caused copies of the foregoing to be served via email upon all parties of record in this case.

/s/ Peter A. Pfohl  
Peter A. Pfohl