

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings
May 10, 2012
Part of
Public Record**

_____)
TEXAS MUNICIPAL POWER AGENCY)
)
Complainant,)
)
 v.)
)
BNSF RAILWAY COMPANY)
)
Defendant.)
 _____)

Docket No. 42056

**BNSF RAILWAY COMPANY’S MOTION FOR
LEAVE TO EXCEED PAGE LIMIT**

BNSF Railway Company (“BNSF”) respectfully requests that the Board waive the 20-page limit set forth in 49 C.F.R. §§ 1115.3(d), 1115.4 and permit BNSF to submit argument and appendices in response to Texas Municipal Power Agency’s (“TMPA”) Petition to Reopen and Modify Rate Prescription (“Petition to Reopen”) in excess of the limit.

On April 20, 2012, without first seeking the Board’s permission to exceed the 20-page limit, TMPA filed an 80-page Petition to Reopen which included a substantial argument, numerous exhibits, and multiple verified statements. BNSF’s reply to TMPA’s Petition to Reopen is due on May 10, 2012. To effectively respond to TMPA’s lengthy petition, BNSF hereby seeks a waiver of the Board’s rule requiring that replies to such petitions not exceed 20 pages. Such a waiver is necessary to provide the Board with materials which will lead to a full understanding of the issues raised by TMPA’s Petition to Reopen.

TMPA will not be prejudiced if the Board grants BNSF’s motion to exceed the 20-page limit, given that TMPA itself substantially exceeded the page limit without first seeking a waiver

of the Board's rule. Accordingly, BNSF respectfully requests that the Board grant its request to file a reply in excess of the 20-page limit.

Date: May 10, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Anthony J. LaRocca, hereby certify that on May 10, 2012, I filed the foregoing BNSF Railway Company Motion for Leave to Exceed Page Limit using the Board's electronic filing system, and caused a copy of the foregoing to be served by e-mail or first-class mail, postage prepaid, upon the following counsel:

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