

With The Board's Decision of July 25, 2013 at 1 (filed Sept. 23, 2013). The Board granted this request in its decision served on October 22, 2013.

(3) The Board issued the revised BNSF 2010 and 2011 URCS (without the asset mark-up) on March 6, 2014.

(4) The parties have agreed on a methodology to hold WFA/Basin harmless from the markup of BNSF's rail assets starting with BNSF's 2013 URCS – the first year the asset mark-up will begin to be phased-in to the BNSF URCS. This methodology calls for the parties to make adjustments to the URCS variable costs used to calculate the prescribed rates. Implementation of this agreement requires no action on the Board's part at this time.

(5) In its decision served on January 20, 2012, the Board “reopen[ed] this proceeding and h[eld] it in abeyance, on a limited basis, until the [asset mark-up] issue in FD 35506¹] is resolved.” *Id.* at 1. The Board also ordered (i) that the “prescriptive effect” of the prior rate prescription orders entered in this case in 2009 be “temporarily lifted” pending the Board's resolution of the asset mark-up issue in *Western Coal Traffic League*, FD 35506, and (ii) that the parties follow specified “keep account” procedures to “make the other party whole, at the conclusion of the reopening, with respect to the amounts paid during the interim.” *Id.* at 4.

(6) The Board decided *Western Coal Traffic League* in July 2013 and resolved the pertinent asset mark-up issues. The parties have reached agreement on how

¹ *W. Coal Traffic League – Petition for Declaratory Order* (“*Western Coal Traffic*

to calculate the involved maximum prescribed rates (without the asset mark-up) during the keep account period and are in the process of calculating the payment amounts due under the keep account procedures, but the final amounts due have not yet been determined.

(7) The parties agree that the prescriptive effect of the rate prescriptions that was temporarily lifted in the Board's January 20, 2012 decision be reinstated commencing with the effective date of the next quarterly rate prescription calculations. The parties expect that the next quarterly rate prescription calculations will take place in mid-April 2014.

Respectfully submitted,

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