

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

232560

**STB Finance Docket No. 35557**

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

ENTERED  
Office of Proceedings  
July 17, 2012  
Part of  
Public Record

**JOINT MOTION TO CANCEL TECHNICAL CONFERENCE  
CURRENTLY SCHEDULED FOR JULY 18, 2012**

BNSF Railway Company (“BNSF”) and the Member Organizations of Western Coal Traffic League (“WCTL”) that were the subject of the Director of the Office of Proceeding’s February 27, 2012 Decision (“Director’s Decision”) and the Board’s June 25, 2012 Decision (“Member Organizations”<sup>1</sup>) hereby jointly move to cancel the technical conference that is currently scheduled for July 18, 2012, for the reasons set forth below.

1. In its decision dated June 25, 2012, the Board denied the appeal of the Member Organizations of the Director’s Decision and scheduled a technical conference for July 11, 2012, to address the discovery requests directed by BNSF to the Member Organizations.
2. Following the Board’s June 25, 2012 decision, counsel for BNSF and the Member Organizations have been engaged in negotiations regarding BNSF’s discovery requests. The technical conference was rescheduled until July 18, 2012, to give BNSF and the Member Organizations a few more days to complete negotiations.
3. BNSF and the Member Organizations have reached a negotiated resolution of BNSF’s discovery requests. Counsel for BNSF and the Member Organizations jointly request that the Board cancel the technical conference that is currently scheduled for July 18, 2012.

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

4. Counsel for the WCTL Member Organizations will separately file a motion to amend the protective order to encompass information produced by WCTL Member Organizations in this proceeding.

5. As the agreement contemplates the voluntary production of specified information, BNSF does not believe that the issuance of subpoenas is required at this time.

Respectfully submitted,

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Dated: July 17, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 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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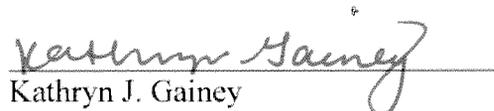
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