



August 23, 2011

BY E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: STB Finance Docket No. 35305, Request to
Reopen and for Injunctive Relief

Dear Ms. Brown:

The American Public Power Association (“APPA”), the Edison Electric Institute (“EEI”), and the National Rural Electric Cooperative Association (“NRECA”) file this letter in support of the Western Coal Traffic League’s (“WCTL’s”) Petition to Reopen and for Injunctive Relief Pending Board-Supervised Mediation, and respectfully request the Board to promptly act favorably upon the Petition.

APPA, EEI, and NRECA represent virtually all of the U.S. companies (private, public, and non-profit) that provide electric power to the public. Many of our members utilize coal as a baseload fuel that is moved by rail to the power plant – with much of that coal originating from mines in the Powder River Basin (“PRB”). Our organizations participated together in the Board’s original Finance Docket No. 35305 proceeding, which culminated with the Board’s March 3, 2011 decision finding that BNSF Railway Company’s (“BNSF’s”) original coal dust tariff (Tariff No. 6041-B) (“Dust Tariff I”) applying on PRB coal constituted an unreasonable practice.

BNSF has recently issued a new coal dust tariff (“Dust Tariff II”) seeking its PRB coal customers to take specified actions in an attempt to mitigate coal dust emissions from moving coal cars, with an effective date of October 1, 2011. As APPA, EEI, and NRECA explained in our previous comments in this docket, we support voluntary and collaborative efforts on the part of coal shippers, producers, and railroads to mitigate coal dust emissions. Unfortunately, BNSF’s new unilaterally imposed Dust Tariff II presents many of the very same problems presented by Dust Tariff I, including the fact that its compliance terms are based on very questionable science; customers have not been given

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access to the test results and procedures; all costs are borne by customers; the penalties for lack of compliance remain uncertain; it includes onerous and unreasonable compliance deadlines; and it includes onerous and unreasonable liability conditions on shippers.

APPA, EEI, and NRECA agree with WCTL that Dust Tariff II fails to adopt a reasonable approach for addressing ballast fouling caused by coal dust train emissions. WCTL's petition to reopen the record in this proceeding, enjoin the effective date of Dust Tariff II, and implement Board-supervised mediation provides a fair and sensible approach to producing an orderly resolution to this matter.

We urge the STB to grant WCTL's petition, and to do so promptly given Dust Tariff II's quickly approaching compliance deadlines.

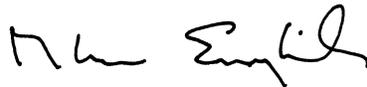
Sincerely,



Mark Crisson
President and Chief Executive Officer
American Public Power Association



Thomas R. Kuhn
President
Edison Electric Institute



Glenn English
Chief Executive Officer
National Rural Electric
Cooperative Association

cc: All Parties of Record on the STB's Service List in Docket No. 35305