



**Tonya W. Conley**  
Assistant General Attorney

Via Electronic Filing

November 3, 2009

Honorable Anne Quinlan,  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

**Re: Docket No. 42111, *Oklahoma Gas & Electric Company v. Union Pacific Railroad Company***

Dear Secretary Quinlan,

Enclosed for filing in the above-captioned docket are an original and ten copies of the Notification of Compliance of Union Pacific Railroad Company.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Tonya W. Conley".

Tonya W. Conley

cc: Parties shown on Certificate of Service

**VERIFIED STATEMENT**

**OF**

**JERRY P. KLYM**

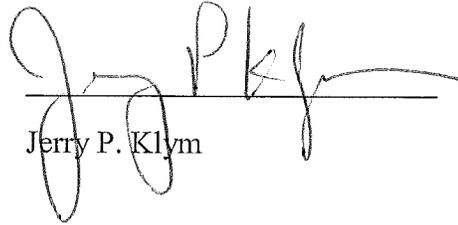
My name is Jerry P. Klym. I am Business Director – Energy Marketing for Union Pacific Railroad Company. Pursuant to 49 C.F.R. Part 1119, I hereby notify the Surface Transportation Board that Union Pacific Railroad Company has published rates effective October 30, 2009 for coal shipments subject to the complaint in STB Docket No. 42111, **Oklahoma Gas & Electric Company v. Union Pacific Railroad Company**, in accordance with the Surface Transportation Board’s orders served July 24, 2009 and October 26, 2009. A copy of UP Tariff 4221 Rate Item 5400-E is attached.

---

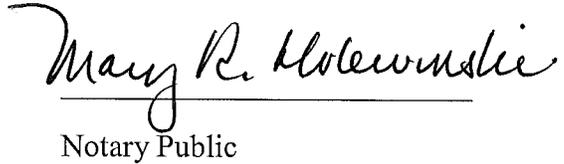
VERIFICATION

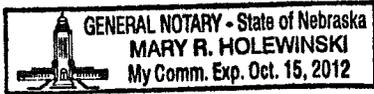
STATE OF NEBRASKA    )  
  ) ss:  
COUNTY OF DOUGLAS    )

Jerry P. Klym, Business Director-Energy Marketing for Union Pacific Railroad Company, being first duly sworn, deposes and states that he has read the foregoing verified statement, knows the facts therein, and that the same are true as stated to the best of his knowledge, information, and belief.

  
Jerry P. Klym

Subscribed and sworn to before me this 3rd day of November, 2009.

  
Notary Public



My Commission Expires: *October 15, 2012*

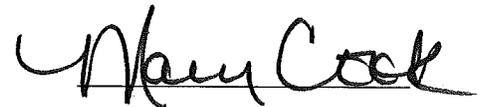
## CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2009, a copy of the foregoing Notice of Compliance was served by e-mail and by first class United States mail, postage prepaid, upon:

Thomas W. Wilcox, Esq.  
GKG Law, P.C.  
Canal Square  
1054 Thirty-First Street, N.W.  
Suite 200  
Washington, D.C. 20007-4492

and by first-class mail, postage prepaid, on

Patrick D. Shore, Esq.  
Senior Attorney  
OGE Energy Corporation  
321 N. Harvey  
P.O. Box 321, M/C 1208  
Oklahoma, OK 73101

A handwritten signature in black ink that reads "Mary Cook". The signature is written in a cursive style with a large initial "M" and "C".

Mary Cook



UP 4221

Item: 5400-E  
 Itm Desc: OK, Ft. Gibson, Muskogee Generating Station

Unit Coal Trains from SPRB to Muskogee  
 Generating Station, Ft. Gibson, OK

For billing purposes use the following rate authority: UP 4221-5400-E

| STCC/GROUP | STCC | DESCRIPTION |
|------------|------|-------------|
| 11         |      | Coal        |

**GENERAL RULE ITEM 5400**

Rates in this item are not subject to fuel surcharge.

The Maximum Volume that Railroad will transport under this item is 7,000,000 Net Tons per calendar year.

Not more than 9 Trainsets may be placed in service for transporting Coal to Destination.

**GENERAL APPLICATION RULES FOR ITEM 5400-E**

1. Mileage allowance payment on private equipment will not apply.
2. Free time to unload will be 6 hour(s).
3. Applies if minimum tender per shipment is 130 Car(s) and maximum not greater than 135 Car(s).

**APPLICATION AND RATES**

| COLUMN | RATE APPLICATION RULES   |
|--------|--|
| 1.     | Rates are in U.S. dollars Per Net Ton.<br><br>Subject to a minimum lading weight of 118 tons per car.<br><br>Applies in Customer/Shipper-owned or -leased equipment bearing private (non-railcarrier) reporting marks. |

|                                | Col 1<br>Rate | Route<br>Code/Group |
|--------------------------------|---------------|---------------------|
| <b>STCC: 11 Coal</b>           |               |                     |
| <b>To: OK, FT GIBSON</b>       |               |                     |
| <b>From: WY, ANTELOPE MINE</b> | D 17.51       | UP                  |
| WY, BELLE AYR MINE             | D 18.37       | UP                  |
| WY, BLACK THUNDER MINE         | D 17.94       | UP                  |
| WY, BLACK THUNDER SOUTH        | I 17.88       | UP                  |
| WY, CABALLO MINE               | I 18.40       | UP                  |
| WY, CABALLO ROJO MINE          | I 18.36       | UP                  |
| WY, COAL CREEK MINE            | I 18.25       | UP                  |
| WY, CORDERO MINE               | I 18.28       | UP                  |
| WY, JACOBS RANCH MINE          | D 18.11       | UP                  |
| WY, N ANTELOPE MINE            | D 17.61       | UP                  |
| WY, ROCHELLE MINE              | I 17.70       | UP                  |
| WY, THUNDER WEST MINE          | I 18.11       | UP                  |

Issued: November 2, 2009  
 Effective: October 30, 2009  
 Expiration: December 31, 2025

UP 4221

Page: 1 of 2  
 Item: 5400-E  
 Continued on next page

**APPLICATION AND RATES**

| COLUMN   | RATE APPLICATION RULES   |               |                     |
|--|--|---------------|---------------------|
| 1.   | Rates are in U.S. dollars Per Net Ton.<br><br>Subject to a minimum lading weight of 118 tons per car.<br><br>Applies in railroad-owned or -leased equipment. |               |                     |
|  |  | Col 1<br>Rate | Route<br>Code/Group |
| <b>STCC: 11 Coal</b><br><b>To: OK, FT GIBSON</b> |  |               |                     |
|  | From: WY, ANTELOPE MINE  | D 19.68       | UP                  |
|  | WY, BELLE AYR MINE   | D 20.63       | UP                  |
|  | WY, BLACK THUNDER MINE   | D 20.16       | UP                  |
|  | WY, BLACK THUNDER SOUTH  | I 20.09       | UP                  |
|  | WY, CABALLO MINE   | I 20.66       | UP                  |
|  | WY, CABALLO ROJO MINE  | I 20.61       | UP                  |
|  | WY, COAL CREEK MINE  | I 20.49       | UP                  |
|  | WY, CORDERO MINE   | I 20.52       | UP                  |
|  | WY, JACOBS RANCH MINE  | D 20.35       | UP                  |
|  | WY, N ANTELOPE MINE  | D 19.79       | UP                  |
|  | WY, ROCHELLE MINE  | I 19.90       | UP                  |
|  | WY, THUNDER WEST MINE  | I 20.35       | UP                  |