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March 4, 2005

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Part of  
Public Record

Re: Docket No. 42060 (Sub-No. 1) -- North America  
Freight Car Association v. BNSF Railway  
Company

Dear Secretary Williams:

By decision served February 28, 2005, the Board extended to March 4, 2005, the due date for parties to notify the Board in writing whether they had reached an impasse with respect to any discovery dispute. Counsel for BNSF Railway Company ("BNSF") and intervenor National Industrial Transportation League ("NITL") have negotiated and resolved most of their discovery disputes. We have, however, reached impasse on four BNSF interrogatories to NITL (Nos. 3,4,7, and 8). BNSF and NITL agree that it would be useful for the Board staff to meet as soon as possible with the parties to mediate their disputes on these four interrogatories, and we ask that the Board staff contact counsel for the parties to arrange such a meeting

Counsel for NITL have authorized counsel for BNSF to state that they concur in this letter.

Sincerely yours,

Robert M. Jenkins III

RMJ/bs

cc: Nicholas J. DiMichael  
Michael Higgins