

March 9, 2005

Via Hand Delivery

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St. N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

MAR 10, 2005

Part of
Public Record



RE: STB Docket No. 42071, *Otter Tail Power Company v. The Burlington Northern and Santa Fe Railway Company*

Dear Secretary Williams:

On March 1, 2005, Otter Tail Power Company filed supplemental evidence in the above-referenced proceeding in response to the Board's December 13, 2004 Order. In the cover letter, Otter Tail noted that "Due to circumstances beyond Complainant's control, it will be necessary for Complainant to submit an Errata within a few days." Otter Tail explained that the Errata was necessary because, during the preparation of evidence using the RTC Model, Version L67C, Otter Tail encountered a program error that prevented it from making certain final adjustments to its evidence. On Sunday, February 27, 2005, the software vendor, Berkeley Simulation, provided a program update, Version L69E, to address the problem identified by Otter Tail, but there was not sufficient time to employ the updated program in Otter Tail's March 1 evidence.

Although Otter Tail fully intended to file its Errata within a few days, it has encountered further issues with the updated RTC Model. Due to changes in the program code between Version L67C and L69E, the revised program now requires additional time, approximately six hours, to run until the program reveals conflict points. Once a conflict is resolved, the process is repeated until the program encounters the next conflict point, and so on until all conflict points are resolved. This additional time has extended the time required to prepare Otter Tail's Errata beyond what Otter Tail anticipated on March 1st.

In addition, in this process, Otter Tail encountered another anomaly with Version L69E, whereby a train did not make its scheduled stop. Berkeley Simulation has been made aware of this anomaly and is working to address it.

Otter Tail has been working around the clock to develop the promised Errata, using the slower running updated RTC Model. It has run one of its cases to completion on Version L69E, and believes the other case also will run shortly. However, Berkeley Simulation must resolve the anomaly of trains failing to make scheduled stops before Otter Tail can complete its analysis, since the statistics that the RTC Model

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generates will not be accurate unless trains make their scheduled stops. Otter Tail is hopeful that Berkeley Simulation will resolve this matter very soon, and that Otter Tail will be able to file its Errata this week.

Sincerely,



Nicholas J. DiMichael
Jeffrey O. Moreno
Counsel for Complainant

cc: Counsel for Defendant
