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March 18, 2005

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VIA HAND DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423

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Office of Proceedings
2005
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Public Record

Re: Docket No. 42088, Western Fuels Association, Inc. and Basin
Electric Power Cooperative, Inc. V. BNSF Railway Company

Dear Secretary Williams:

Enclosed for filing in the referenced proceeding please find an original and ten copies of Complainants' Petition to Modify Procedural Schedule. Because this Petition is being filed two and one-half weeks before Opening Evidence is due under the present schedule, Complainants requests that the Board give this filing **EXPEDITED CONSIDERATION**. BNSF has authorized Complainants to represent that BNSF does not object to the proposed revisions to the schedule.

An additional copy of this pleading also is enclosed. Please indicate receipt and filing by time-stamping this extra copy and returning it to the bearer of this letter.

Thank you for your prompt attention to this matter.

Sincerely,

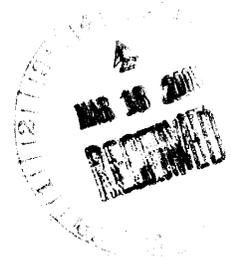
John H. LeSeur

JHL:cef
Enclosures

cc: David M. Konschnik
Counsel for BNSF

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



WESTERN FUELS ASSOCIATION, INC.)
and BASIN ELECTRIC POWER)
COOPERATIVE, INC.)

Complainants,)

v.)

BNSF RAILWAY COMPANY)

Defendant.)

213582

Docket No. 42088

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PETITION TO MODIFY PROCEDURAL SCHEDULE

Complainants Western Fuels Association, Inc. and Basin Electric Power Cooperative, Inc. ("WFA/Basin") hereby request the Board to modify the remainder of the procedural schedule in this case by extending all due dates (and the staff-supervised technical conference date) by two weeks. The proposed modifications to the schedule issued by the Board on November 10, 2004 are:

	<u>Present Schedule</u>	<u>Proposed Schedule</u>
Opening evidence due	April 5, 2005	April 19, 2005
Staff-supervised technical conference	May 3, 2005	May 17, 2005
Reply evidence due	July 6, 2005	July 20, 2005
Rebuttal evidence due	September 2, 2005	September 16, 2005

Modification of the schedule is requested for three reasons.

First, the parties have cooperated (with the Board's assistance) in pursuing discovery and without the need for formal Board resolution of discovery disputes.

However, significant portions of BNSF's discovery (including responses to WFA/Basin's follow-up requests) have come after the January 21, 2005 "End of Discovery" date shown on the case schedule. WFA/Basin's case preparation time is directly tied to BNSF's production schedule. As a result of the production time line, WFA/Basin need additional time to prepare their opening evidence.

Second, earlier today the Board granted a one-week extension in the Otter Tail rate case (Docket No. 42071). As a consequence, supplemental rely evidence in Otter Tail is now due on April 4, 2004 -- only one day before the present due date for filing opening submissions in the instant proceeding. Some of the shipper-complainant's expert witnesses in Otter Tail are also expert witnesses in the instant case. Additional time is needed due to this scheduling circumstance.

Third, WFA/Basin are mindful of the Board's admonitions that complainants check and double deck their opening evidence before filing it. Additional time is needed to insure that WFA/Basin's opening submission is properly cross-referenced, linked, and otherwise complies with the Board's evidentiary rules.

BNSF has authorized WFA/Basin to represent that BNSF does not object to the revisions to the procedural schedule proposed herein.

Respectfully submitted,

WESTERN FUELS ASSOCIATION, INC., and
BASIN ELECTRIC POWER COOPERATIVE, INC.

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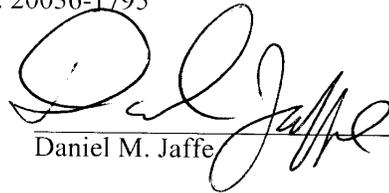
Dated: March 18, 2005

Attorneys for Complainants

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2005, I caused a copy of the foregoing Petition to Modify Procedural Schedule to be served by hand delivery on counsel for BNSF, as follows:

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