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SLOVER & LOFTUS

ATTORNEYS AT LAW
1224 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 20036-3003

WILLIAM L. SLOVER
C. MICHAEL LOFTUS
JOHN H. LE SEUR
KELVIN J. DOWD
ROBERT D. ROSENBERG
CHRISTOPHER A. MILLS
FRANK J. PERGOLIZZI
ANDREW B. KOLESAR III
PETER A. PFOHL
DANIEL M. JAFFE
STEPHANIE M. PISANELLI
JOSHUA M. HOFFMAN

OF COUNSEL
DONALD G. AVERY

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Office of Proceedings

SEP 20 2007

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TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

WRITER'S E-MAIL:

kjd@sloverandloftus.com

September 20, 2007



BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Re: Docket No. 41191 (Sub-No.1), AEP Texas North Company
v. BNSF Railway Company

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding, please find an original and ten (10) copies of Complainant's Unopposed Petition for Extension of Time.

We have enclosed an additional copy of this Petition. Please indicate receipt and filing by time-stamping this copy and returning it to our messenger.

Thank you for your attention to this matter.

Sincerely,

Kelvin J. Dowd
An Attorney for Complainant
AEP Texas North Company

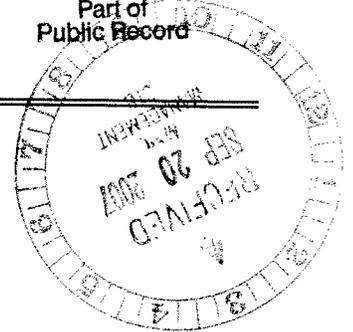
Enclosures

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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Public Record



AEP TEXAS NORTH COMPANY

Complainant,

v.

BNSF RAILWAY COMPANY

Defendant.

Docket No. 41191 (Sub-No.1)

COMPLAINANT'S UNOPPOSED PETITION FOR EXTENSION OF TIME

Complainant, AEP Texas North Company ("AEP Texas"), pursuant to 49 C.F.R. Part 1104.7(b), hereby petitions for (i) a 20-day extension of the due date for the filing of petitions for reconsideration of the Decision served September 10, 2007 in the captioned proceeding ("*Decision*"), pursuant to 49 C.F.R. Part 1115.3; and (ii) a 12-day extension of the due date for the filing of AEP Texas' notification to the Board regarding the submission of supplemental SAC evidence, as required by Ordering Paragraph 4 of the *Decision*. *Id.* at 24. If the relief requested herein is granted, petitions for reconsideration and AEP Texas' notification both would be due on or before October 22, 2007.

Counsel for AEP Texas has consulted with counsel for Defendant, BNSF Railway Company (“BNSF”), and has been authorized to state that BNSF does not oppose this Petition. In further support hereof, AEP Texas shows as follows:

1. The *Decision* was rendered at the conclusion of a proceeding that spanned over 48 months, and produced a record that included both the standard, voluminous evidence now typical of cases brought under the *Coal Rate Guidelines*, and three (3) rounds of supplemental evidence submitted, *inter alia*, in response to intervening Board modifications of the methodologies used to apply the *Guidelines*. The sheer volume of evidentiary material complicates significantly the task of evaluating the *Decision* and its supporting appendices to identify technical errors or other issues that would warrant reconsideration.

2. Immediately following service of the *Decision*, AEP Texas requested access to the workpapers assembled by the Board’s staff during the course of the agency’s deliberations. While such access promptly was granted, certain essential spreadsheets and other materials were not provided with the initial workpapers. AEP Texas’ follow-up request remains pending as of the date of this Petition.

3. In the *Decision*, and in the ruling served the same day in the *WFA/Basin* proceeding,¹ the Board applied for the first time its new Average Total Cost (“ATC”) methodology for allocating revenues from cross-over traffic in the calculation of

¹ Docket No. 42088, *Western Fuels Association, Inc. and Basin Electric Power Cooperative v. BNSF Railway Company*.

SAC. In so doing, however, the Board made a “refinement” to ATC which had not been announced in advance, and thus had not been addressed by the parties in their evidence. *See Decision* at 15-16. Recognizing the unfairness that could arise from this action, the Board afforded AEP Texas an opportunity to submit additional supplemental evidence that could include a modification of its SAC analysis in light of the new, refined ATC formula. To evaluate the potential merits and implications of this option, however, AEP Texas must complete multiple analyses reflecting alternative traffic groupings, associated SARR configurations and related operating expenses, and other variables. Those analyses require both time and care to conduct properly.

4. As the Board is aware, the same counsel and economic experts who are involved in the aforescribed work on behalf of AEP Texas simultaneously are engaged in a similar manner on behalf of the Complainant in *WFA/Basin*, which presently faces the same due dates for petitions for reconsideration and notification concerning supplemental SAC evidence.² Additionally, however, the same counsel also are engaged in the preparation of briefs in the appellate proceedings arising out of the Board’s rulings in Ex Parte No. 657 (Sub-No.1), *Major Issues in Rail Rate Cases*, as well as comments in the pending Board proceedings concerning annual determinations of the railroad industry cost of capital. These competing and overlapping obligations exacerbate the burdens imposed by the current due dates in light of the complex analyses described above.

² AEP Texas understands that extensions of time are being sought in *WFA/Basin* as well.

5. As noted, BNSF does not oppose the extensions sought herein, so no party would be prejudiced by the granting of this Petition.

WHEREFORE, for good cause shown, AEP Texas requests that the Board extend the due dates for the filing of petitions for reconsideration of the *Decision*, and AEP Texas' notification in compliance with Ordering Paragraph 4 of the *Decision*, to October 22, 2007.

Respectfully submitted,

AEP TEXAS NORTH COMPANY
1 Riverside Plaza
Columbus, OH 43215

By: David M. Cohen
Senior Counsel
155 West Nationwide Boulevard
Suite 300
Columbus, OH 43215

OF COUNSEL:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

William L. Slover
Kelvin J. Dowd 
Slover & Loftus
1224 Seventeenth Street N.W.
Washington, D.C. 20036
(202) 347-7170

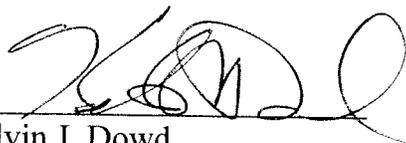
Dated: September 20, 2007

Attorneys & Practitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of September 2007, I caused a copy of the Unopposed Petition for Extension of Time of Complainant AEP Texas North Company to be served by hand delivery on counsel for BNSF, as follows:

Samuel M. Sipe, Jr.
Anthony J. LaRocca
Linda S. Stein
Steptoe & Johnson, L.L.P.
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795



Kelvin J. Dowd