

2023124
202315 AECC-1

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. 42104

ENTERGY ARKANSAS, INC. AND ENTERGY SERVICES, INC
v
UNION PACIFIC RAILROAD COMPANY
AND
MISSOURI & NORTHERN ARKANSAS RIALROAD COMPANY, INC.



FINANCE DOCKET NO. 32187

MISSOURI & NORTHERN ARKANSAS RIALROAD COMPANY, INC
- LEASE, ACQUISITION AND OPERATION EXEMP'ION -
MISSOURI PACIFIC RAILRAOD COMPANY AND BURLINGTON NORTHERN
RAILROAD COMPANY

**PETITION OF ARKANSAS ELECTRIC COOPERATIVE CORPORATION
TO INTERVENE IN SUPPORT OF CLAIMANTS**

ENTERED
Office of Proceedings
MAY 9 - 2008
Part of
Public Record

Eric A Von Salzen
George W Mayo, Jr
HOGAN & HARTSON LLP
555 Thirteenth Street, NW
Washington, DC 20004-1109
Telephone (202) 637-5600

COUNSEL FOR ARKANSAS ELECTRIC
COOPERATIVE CORPORATION

Dated May 9, 2008

SURFACE TRANSPORTATION BOARD

STB DOCKET NO 42104

ENERGY ARKANSAS, INC. AND ENERGENCY SERVICES, INC.

v.

UNION PACIFIC RAILROAD COMPANY

AND

MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC

FINANCE DOCKET NO 32187

MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC
– LEASE, ACQUISITION AND OPERATION EXEMPTION –
MISSOURI PACIFIC RAILROAD COMPANY AND BURLINGTON NORTHERN
RAILROAD COMPANY

**PETITION OF ARKANSAS ELECTRIC COOPERATIVE CORPORATION
TO INTERVENE IN SUPPORT OF CLAIMANTS**

Arkansas Electric Cooperative Corporation (AECC) petitions to intervene in this proceeding in support of Claimants. AECC is a co-owner with Entergy of the Independence Steam Electric Station (Independence Station), the electric power generation facility that is the subject of this case.

AECC is a membership-based generation and transmission cooperative that provides wholesale electric power to electric cooperatives, which in turn serve approximately 460,000 customers located in each of the 75 counties in Arkansas. In order to serve its member distribution cooperatives, AECC has entered into arrangements with other utilities within the state to share generation and transmission facilities. Among these is the Independence Station at Newark, AR, in which AECC holds a 35 percent interest.



As described in Claimants' Petition, the Independence Station has been denied competitive rail service as a result the improper restrictions that Claimants challenge in this proceeding. AECC suffers the same kind of injury as Claimants do as a result of these restrictions on rail competition.

Intervention by AECC will not disrupt the schedule adopted by the Board, and will not unduly broaden the issues raised in this proceeding.

Accordingly, AECC respectfully requests that its petition to intervene be granted.

Respectfully submitted,



Eric Von Salzen
George W Mayo, Jr
HOGAN & HARTSON LLP
555 Thirteenth Street, NW
Washington, DC 20004-1109
Telephone (202) 637-5600

COUNSEL FOR ARKANSAS ELECTRIC
COOPERATIVE CORPORATION

Dated May 9, 2008

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition Of Arkansas Electric Cooperative Corporation To Intervene In Support Of Claimants to be served by first class mail, postage prepaid, on this 9th day of May, 2008, on

C Michael Loftus, Esq.
Frank J. Pergolizzi, Esq
Andrew B Kolesar III, Esq
Slover & Loftus
1224 Seventeenth Street, N W
Washington, D C 20036

Entergy Arkansas, Inc and
Entergy Services, Inc
O H Storey
Cory R Cahn
P O Box 551
Little Rock, AR 72203

Linda J Morgan, Esq
Michael L Rosenthal, Esq
Covington & Burling LLP
1201 Pennsylvania Avenue, N W
Washington, D C 20004

J. Michael Hemmer, Esq
Robert T. Opal, Esq
Gabriel S Meyer, Esq
Union Pacific Railroad Company
1400 Douglas Street
Omaha, Nebraska 68179

Louis F Gitomer, Esq
Law Offices of Louis E Gitomer
600 Baltimore Avenue
Suite 301
Towson, MD 21204

Scott G. Williams, Esq.
Senior Vice President & General
Counsel
Rail America, Inc
5300 Broken Sound Boulevard N W
Second Floor
Boca Raton, FL 33487



George W Mayo, Jr