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Ms. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

Re: STB Finance Docket No. 35305

On October 2, 2009, Arkansas Electric Cooperative Corporation (“AECC”) filed a Petition for Declaratory Order, a Petition for Stay and a Motion for Protective Order in STB Finance Docket No. 35305. In these pleadings, AECC is seeking an order declaring that two items in a BNSF Coal Rules publication constitute an unreasonable rule or practice and an order enjoining BNSF from enforcing the two items. By this letter, BNSF is advising the Board that BNSF intends to respond to AECC’s October 2, 2009 pleadings in the next several days.

Respectfully submitted,

  
Samuel M. Sipe, Jr. (Att.)  
Counsel for BNSF Railway Company