

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ARIZONA ELECTRIC POWER COOPERATIVE, INC.)	
)	
Complainant,)	
)	
v.)	Docket No. 42113
)	
BNSF RAILWAY COMPANY)	
)	
and)	
)	
UNION PACIFIC RAILROAD COMPANY)	
)	
Defendants.)	

**REPLY OF COMPLAINANT
ARIZONA ELECTRIC POWER COOPERATIVE, INC., TO
DEFENDANT BNSF'S MOTION REGARDING USE OF ATC**

ARIZONA ELECTRIC POWER
COOPERATIVE, INC.

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Dated: October 22, 2010

methodology for deriving divisions on cross-over traffic, which AEPCO understands to remain modified ATC, unless the Board alters its governing methodology in a legally permissible manner. If the Board is still considering the ATC issue at the time of the AEPCO decision, the Board can indicate that the AEPCO decision is without prejudice to its consideration of that issue for other purposes.

In no event should AEPCO's rate case be held in abeyance. The choice of ATC is immaterial for AEPCO's rate case, and the Board's processes should not be held hostage to the resolution of a matter that is immaterial for AEPCO's rate case, even if it is material to the outcome in some other rate case.

Accordingly, the choice of ATC method should not become a basis for delay in AEPCO's rate case.

Respectfully submitted,

ARIZONA ELECTRIC POWER
COOPERATIVE, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 2010, I caused copies of the foregoing pleading to be served on counsel for Defendants Union Pacific Railroad Company and BNSF Railway Company by first class mail, postage prepaid, as follows:

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