

STEPTOE & JOHNSON^{LLP}

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November 23, 2010

Via ELECTRONIC FILING

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

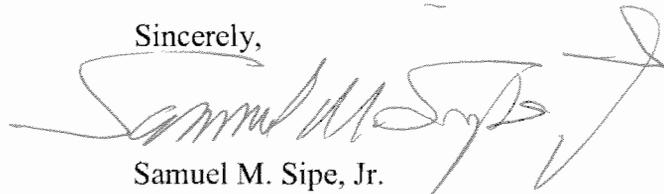
Re: ***State of Montana v. BNSF Railway Company,***
STB Docket 42124

Dear Ms. Brown:

The undersigned is filing this notice on behalf of BNSF Railway Company in response to the Board's October 27, 2010 Decision scheduling oral argument in the above-referenced proceeding for November 30, 2010. The undersigned – Samuel M. Sipe, Jr. – and Richard E. Weicher, BNSF's Vice President & General Counsel – Regulatory, will present argument on behalf of BNSF. Messrs. Sipe and Weicher will allocate between them the 20 minutes of argument time provided. We request that 3 minutes of BNSF's time be allotted for rebuttal.

Please address any questions concerning this notice to the undersigned.

Sincerely,



Samuel M. Sipe, Jr.
Counsel for BNSF Railway Company

cc: Richard E. Weicher, Esq.
John M. Cutler, Jr., Esq.
Andrew P. Goldstein, Esq.