

### **Surface Transportation Board Dismisses "NSP" Coal Rate Complaint Against "UP" Based on Parties' Settlement**

Surface Transportation Board (Board) Chairman Roger Nober today announced that the Board granted the request of Northern States Power Company Minnesota, doing business as Xcel Energy, (NSP) request that the Board dismiss NSP's January 2001 complaint that challenged the reasonableness of rates on coal shipments by Union Pacific Railroad Company (UP) from various origins to NSP's electric generating facilities at Burnsville and Bayport, Minnesota. NSP filed its request after NSP and UP privately resolved their commercial issues.

In announcing the decision, Chairman Nober said,

**"I congratulate Northern States Power and Union Pacific Railroad on reaching a mutually satisfactory agreement through private negotiations. The Board continues to encourage railroads and their customers to resolve their commercial disputes privately where possible."**

The Board was preparing to issue by August 1, 2003, its decision in this proceeding when, on July 11, 2003, NSP and UP filed a joint petition asking the Board to hold the case in abeyance and to suspend temporarily further processing of the complaint to give the parties time to finalize a tentative settlement they had reached resolving the rate dispute. The Board granted the joint petition and, on August 1, 2003, NSP asked the Board to dismiss the complaint, with prejudice, as the parties had reached a final voluntary settlement.

The Board's decision in this case, entitled *Northern States Power Company Minnesota d/b/a Xcel Energy v. Union Pacific Railroad Company*, STB Docket No. 42059, is being issued today. A printed copy of the decision is available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via [da2dalegal@earthlink.net](mailto:da2dalegal@earthlink.net). The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

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