

Public & Media Advisory: Surface Transportation Board Provides Schedule of Appearances, Time Allocations for Public & Media Attendance at March 18 Oral Argument in "Xcel v. BNSF" Rail Rate-Complaint Case

Surface Transportation Board Chairman Roger Nober today provided a schedule of speakers' appearances, their time allocations, and instructions for public and media attendance, at the STB's **March 18, 2004** oral argument concerning the railroad rate-complaint case entitled *Public Service Company of Colorado d/b/a/ Xcel Energy v. The Burlington Northern and Santa Fe Railway Company*, STB Docket No. 42057.

The STB will hold the **Thursday, March 18** oral argument **beginning at 10:00 a.m. in the agency's Hearing Room on the 7th Floor of the Mercury Building, 1925 K Street, N.W.** (at the intersection of 20th & K Sts.), **Washington, D.C.**

MATTER AT ISSUE:

The STB is holding the March 18 oral argument to allow the two parties in this case, the Public Service Company of Colorado, doing business as Xcel Energy ("Xcel"), and The Burlington Northern and Santa Fe Railway Company ("BNSF"), to present their positions and respond to agency questions in a public forum. The STB has asked the speakers to be prepared to address (1) whether the agency should alter or change the method it uses to set a maximum reasonable rate if evidence shows that revenues generated by the traffic group chosen to share in the costs of a "stand-alone" railroad exceed the revenue requirements of that stand-alone railroad; and, (2) whether operating and road-property investment costs differing significantly from evidence accepted by the agency in recent stand-alone cost cases concerning coal transportation in the western United States can be justified.

INSTRUCTIONS FOR PUBLIC AND MEDIA ATTENDANCE:

- There will be no reserved seating. Given the following procedures, please plan to arrive early enough to be seated no later than **9:45 a.m.**
- Please enter the **Mercury Building's K Street entrance. All visitors must be cleared through security in the STB's Suite 100** (on the main corridor of the 1st Floor) **prior to being escorted to the hearing room.**
- For security reasons, be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, etc.
- Quiet laptops and tape recorders may be brought into the hearing room, but no provision will be made for the connection of personal computers to STB telephone lines.
- Cellular telephone use is not permitted in the hearing room, or in the rear anteroom. Cellular phones may only be used outside the hearing room.
- The STB's hearing room complies with the Americans With Disabilities Act, and persons needing such accommodation should contact **Beverly Ledbetter, in the agency's Section of Facilities Management, at (202) 565-1709, by the close of business on Wednesday, March 17, 2004.**

SCHEDULE OF APPEARANCES

The schedule of speakers' appearances and time allocations (subject to slight change as the situation warrants) are as follows:

Party/Speaker; Time Allotted

Xcel Energy: Thomas W. Wilcox, 45 minutes

BNSF: Richard E. Weicher and Samuel M. Sipe, Jr., 45 minutes

Xcel will open the oral argument and may reserve part of its time for rebuttal.

The STB provided the schedule of speakers in its March 11, 2004 decision in [STB Finance Docket No. 42057](#). That decision is available for viewing and downloading via the STB's Web site at <http://www.stb.dot.gov>. A printed copy of the agency's decision also is available for a fee by contacting **ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706, telephone (301) 577-2600**, or via asapmd@verizon.net. A fact sheet is attached.

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ATTACHMENT

FACT SHEET

Public Service Company of Colorado d/b/a Xcel Energy v. The Burlington Northern and Santa Fe Railway Company **STB Docket No. 42057**

On December 20, 2000, the Public Service Company of Colorado, doing business as Xcel Energy ("Xcel"), filed a complaint challenging the reasonableness of the rates charged by The Burlington Northern and Santa Fe Railway Company ("BNSF") for the transportation of coal from origins in the Powder River Basin of Wyoming to Xcel's Pawnee Steam Electric Generating Station near Brush, Colorado. Xcel has asked the STB to prescribe the maximum reasonable rates that BNSF may charge for this traffic.

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