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By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: STB Docket NOR 42173, *Omaha Public Power District v. Union
Pacific Railroad Company*

Dear Ms. Brown:

Accompanying this letter for filing in the captioned docket on behalf of the Omaha Public Power District ("OPPD") are (1) a Pre-Filing Notice of Complaint filed pursuant to 49 C.F.R. §1111.1(a) and (2) a Motion for Protective Order filed pursuant to 49 C.F.R. §1104.14(c). Although there is no requirement that the attached filings are to be served on the defendant in a potential case, OPPD informs the Board that courtesy copies of these filings are being furnished to representatives of the Union Pacific Railroad Company, including its General Counsel.

Please do not hesitate to call me if you have any questions.

Sincerely,

Thomas W. Wilcox
*An attorney for Omaha Public Power
District*

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Omaha Public Power District	)	
	)	
Complainant,	)	
	)	
v.	)	Docket No. NOR 42173
	)	
Union Pacific Railroad Company	)	
	)	
Defendant	)	
	)	

PRE-FILING NOTICE OF COMPLAINT

Pursuant to 49 C.F.R. §1111.1(a), the Omaha Public Power District (“OPPD”) hereby submits this notice prior to filing a formal complaint against the Union Pacific Railroad Company (“UP”) challenging the reasonableness of a rate UP has established and OPPD pays for rail transportation. This pre-filing notice is required because the reasonableness of the challenged rate may be determined by applying the Board’s Stand-Alone Cost (“SAC”) methodology.¹

OPPD supplies the following information in accordance with §1111.1(a)(1) – (3): The rate to be challenged is the rate UP charges to transport OPPD’s unit trains of coal to and from OPPD’s North Omaha Power Station and an interchange between UP and the BNSF Railway (“BNSF”) in Omaha, Nebraska. The rate is contained in UP Reciprocal Switching Circular UP 8005 F. The origin is the interchange between UP and BNSF at BNSF’s Gibson Yard in Omaha, and the commodity is Wyoming Powder River Basin coal that is delivered to the Gibson Yard by BNSF

¹ The reasonableness of the rate may also be tested by rate reasonableness methodologies other than SAC.

pursuant to a rail transportation contract with OPPD.

Pursuant to §1111.1(a)(4) OPPD has accompanied this pre-filing notice with a motion for adoption of a protective order that complies with 49 C.F.R. §1104.14(c).

Respectfully submitted,

A handwritten signature in blue ink that reads "Thomas W. Wilcox".

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