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VIA ELECTRONIC FILING

July 7, 2023

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

ENTERED
Office of Proceedings
July 7, 2023
Part of
Public Record

RE: Docket No. NOR 42178, Navajo Transitional Energy Company, LLC – Ex Parte Petition for Emergency Service Order

Dear Ms. Brown,

BNSF respectfully submits the attached data for the week ending July 5, 2023 in accordance with the Board's June 23, 2023 decision in the above-referenced proceeding.

BNSF provides the following information to the Board related to BNSF's service.

Reporting Period

As indicated last week, BNSF defines a week as running from each Thursday to Wednesday of the following week. For this report, the backward-looking data includes traffic moving between Thursday, June 29, 2023, and Wednesday, July 5, 2023 and the forward-looking data includes traffic expected to move between Thursday, July 6, 2023, and Wednesday, July 12, 2023.

MRL Bridge Collapse

BNSF noted in its June 30, 2023 report that a Montana Rail Link bridge collapsed along the route used by NTEC and other export coal shippers. The collapsed MRL bridge remains out of service and continues to impact BNSF's transportation of export coal and other commodities as both loaded and empty trains must follow detour routes. The average cycle time for empty coal sets moving over the detour route is currently approximately 29 hours longer than when BNSF moves this traffic over the MRL route and the average cycle time for loaded coal loads moving over the detour route is approximately 20 hours longer than when moving over the MRL route compared to the prior 21-day period. Last week BNSF projected 7 NTEC export coal trains leaving Spring Creek Mine between June 29, 2023 and July 5, 2023; due in large part to the increased cycle times, however, BNSF's actual traffic level for this period was 4 NTEC export coal trains. Based on most up-to-date information available to BNSF, the bridge will be out of service for another 30 days. It remains unclear how MRL's efforts to restore the bridge will impact BNSF's ability to transport certain weekly or monthly volumes for NTEC but we will keep NTEC and the Board updated as BNSF learns more information.

July 15, 2023 Rate Increase

In its First Status Report filed on June 20, 2023, NTEC noted that BNSF provided notice that NTEC's transportation rate for traffic moving from Spring Creek Mine to Westshore Terminals will be increasing by 2.6% effective July 15, 2023. NTEC also noted that this is the second rate increase in 2023, characterizing the rate adjustments as retaliatory. Any claim of retaliation is simply false.

Both of the adjustments to NTEC's rate in 2023 have been quarterly adjustments based on the All-Inclusive Index Less Fuel ("All-LF") rail cost index published by the AAR for the prior quarter. All-LF measures the rate of inflation in railroad inputs such as labor and fuel and provides a parallel measure of the Rail Cost Adjustment Factor ("RCAF") without the influence of fuel cost component. The two adjustments made to NTEC's tariff rate to date in 2023 followed the same All-LF adjustment mechanism.

Sincerely,



Jill Rugema
General Attorney

Attachment

CERTIFICATE OF SERVICE

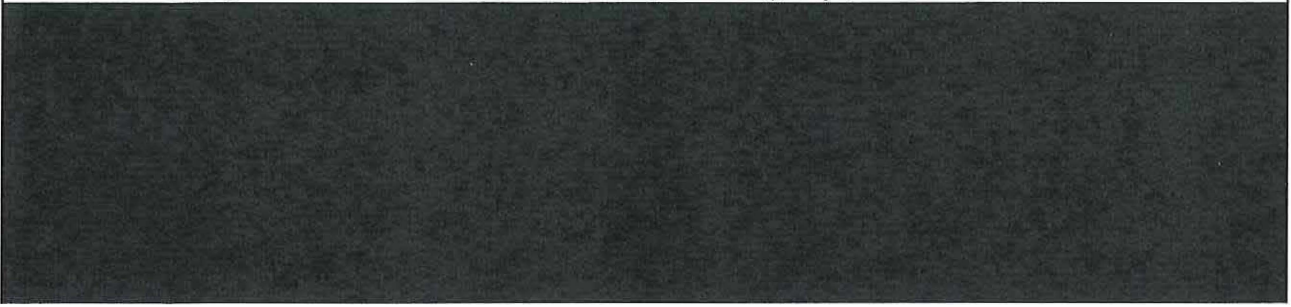
I certify that on July 5, 2023, I served copies of this document upon all parties of record in this proceeding.



Jill Rugema

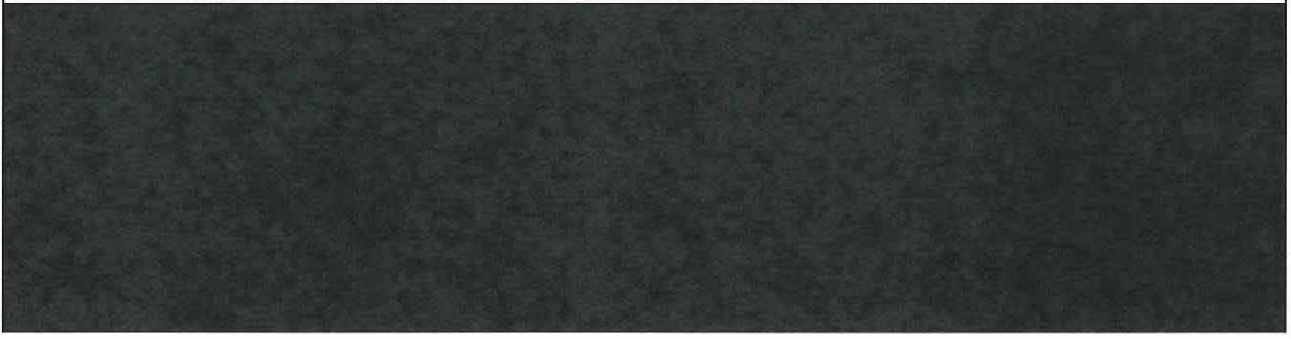
REDACTED - TO BE PLACED ON PUBLIC FILE

NTEC Trains from Spring Creek Mine to Westshore Terminals June 29, 2023 through July 5, 2023



REDACTED - TO BE PLACED ON PUBLIC FILE

Other NTEC Traffic Originating at Spring Creek Mine June 29, 2023 through July 5, 2023



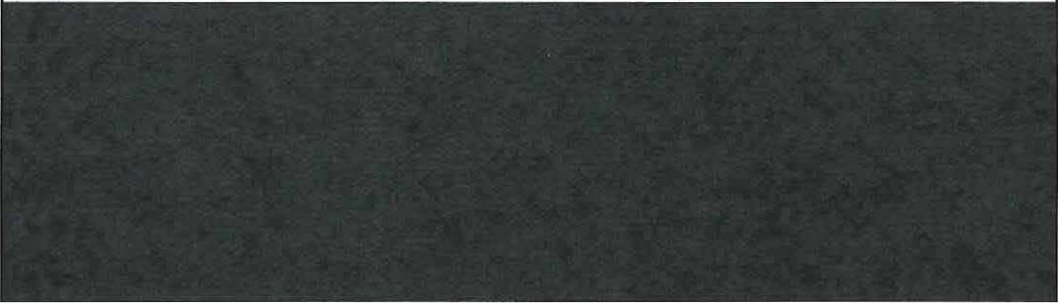
REDACTED - TO BE PLACED ON PUBLIC FILE

Non-NTEC Export Coal Traffic Moving to Westshore June 29, 2023 through July 5, 2023



REDACTED - TO BE PLACED ON PUBLIC FILE

Daily Trainsets Deployed from Spring Creek Mine June 29, 2023 through July 5, 2023





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NTEC *Ex Parte* Pet. For Emergency Svc. Order (NOR 42178)

Reporting Period: 6/29/2023 through 7/5/2023

