

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

NAVAJO TRANSITIONAL ENERGY COMPANY, LLC,	)	
	)	306872
Applicant-Petitioner,	)	ENTERED
	)	Office of Proceedings
v.	)	July 21, 2023
	)	Part of
	)	Public Record
BNSF RAILWAY COMPANY,	)	Docket No. NOR 42178
	)	
Defendant.	)	
	)	

**NAVAJO TRANSITIONAL ENERGY COMPANY, LLC’S
FOURTH STATUS REPORT**

Pursuant to the Board’s June 23, 2023 Decision and Order (“Decision”), Navajo Transitional Energy Company, LLC (“NTEC”) hereby submits the following report:

1. Through July 20, 2023, BNSF had originated ten Spring Creek export trains for NTEC so far during the month of July.
2. On July 16, 2023, NTEC experienced an equipment breakdown that has led to an interruption in railcar loadings at Spring Creek. No coal trains have loaded at Spring Creek since that date. NTEC is working to restore its loading capability.
3. Given the BNSF service levels currently available to NTEC, and given the temporary loading disability at Spring Creek, it remains the case that additional trainsets do not appear to be needed. Accordingly, while NTEC will continue to monitor the

market for additional trainsets it has not pursued any commitments for additional trainsets given these service levels.

Respectfully submitted,

NAVAJO TRANSITIONAL ENERGY
COMPANY, LLC

By: /s/ Daniel M. Jaffe
Daniel M. Jaffe
Frank J. Pergolizzi
Andrew B. Kolesar III
SLOVER & LOFTUS LLP
1224 Seventeenth St., N.W.
Washington, D.C. 20036
(202) 347-7170

July 21, 2023

Attorneys for Applicant-Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of July 2023, caused copies of the foregoing to be served via email on all counsel of record.

/s/ Andrew B. Kolesar III

Andrew B. Kolesar III

An Attorney for Applicant-Petitioner