

NAVAJO TRANSITIONAL
ENERGY COMPANY, LLC.

Applicant-Petitioner,

V.

BNSF RAILWAY COMPANY,

Defendant.

Docket No. NOR 42178

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 Thursday, August 24th, BNSF had originated twenty-one (21) Spring Creek export trains for NTEC so far during the month of August. The total, year-to-date volume of Spring Creek coal that BNSF has originated for NTEC on a common-carrier basis (through August 24, 2023) has been 2,404,619 short tons, *i.e.*, a total of 156 trains.

2. By correspondence dated August 15, 2023, BNSF informed NTEC that BNSF is willing to increase NTEC's October 2023 Spring Creek Mine – Westshore train count from twenty-three (23) trains to twenty-nine (29) trains. BNSF will transport those trains using its train sets, and BNSF did not request any additional trainsets from NTEC.

Given this increase in the service level that BNSF is able and/or willing to provide with its own resources, additional trainsets from third parties do not presently appear to be needed.

Respectfully submitted,

NAVAJO TRANSITIONAL ENERGY
COMPANY, LLC

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Attorneys for Applicant-Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have this 25th day of August 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