

2. As noted previously, BNSF has 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 and given recent service levels, additional trainsets from third parties do not presently appear to be needed.

Respectfully submitted,

NAVAJO TRANSITIONAL ENERGY
COMPANY, LLC

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September 1, 2023

Attorneys for Applicant-Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of September 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