

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

307084

NAVAJO TRANSITIONAL ENERGY COMPANY, LLC,	)	ENTERED Office of Proceedings September 8, 2023 Part of Public Record
Applicant-Petitioner,	)	
v.	)	Docket No. NOR 42178
BNSF RAILWAY COMPANY,	)	
Defendant.	)	

**NAVAJO TRANSITIONAL ENERGY COMPANY, LLC’S
ELEVENTH 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 Thursday, September 7, 2023, BNSF has originated a total of six (6) Spring Creek export trains for NTEC so far during the month of September. The total, year-to-date volume of Spring Creek coal that BNSF has originated for NTEC on a common-carrier basis (through September 7, 2023) has been 2,623,689.88 short tons, *i.e.*, a total of 170 trains.

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

By: /s/ Daniel M. Jaffe
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September 8, 2023

Attorneys for Applicant-Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of September 2023, caused copies of the foregoing to be served via email on all parties of record.

/s/ Andrew B. Kolesar III

Andrew B. Kolesar III

An Attorney for Applicant-Petitioner