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NAVAJO TRANSITIONAL	)	
ENERGY COMPANY, LLC,	)	
	)	
Applicant-Petitioner,	)	
	)	
v.	)	Docket No. NOR 42178
	)	
BNSF RAILWAY COMPANY,	)	
	)	
Defendant.	)	
	)	

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, October 19, 2023, BNSF has originated a total of sixteen (16) Spring Creek export trains for NTEC so far during the month of October. The total, year-to-date volume of Spring Creek coal that BNSF has originated for NTEC on a common-carrier basis (through October 19, 2023) has been 3,174,575 short tons, *i.e.*, a total of 206 trains.

2. Given the recent increase in the service level that BNSF has provided and/or has stated that it will be able 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

By: /s/ Daniel M. Jaffe
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October 20, 2023

Attorneys for Applicant-Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of October 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