

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

	)	307445
	)	
NAVAJO TRANSITIONAL ENERGY	)	ENTERED
COMPANY, LLC	)	Office of Proceedings
	)	November 9, 2023
Complainant	)	Part of
	)	Public Record
v.	)	Docket No. NOR 42179
	)	
BNSF RAILWAY COMPANY,	)	
	)	
Defendant	)	

JOINT MOTION TO HOLD PROCEEDING IN ABEYANCE

Daniel M. Jaffe
Frank J. Pergolizzi
Andrew B. Kolesar III
Slover & Loftus LLP
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170
Attorneys for Complainant
Navajo Transitional Energy Company, LLC

Peter W. Denton
Anthony J. LaRocca
Timothy J. Strafford
Molly Bruder Fox
Onika K. Williams
Tara A. Woods
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000
Attorneys for Defendant
BNSF Railway Company

Dated: November 9, 2023

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

	)	
	)	
NAVAJO TRANSITIONAL ENERGY	)	
COMPANY, LLC	)	
	)	
Complainant	)	
	)	
v.	)	Docket No. NOR 42179
	)	
BNSF RAILWAY COMPANY,	)	
	)	
Defendant	)	
	)	

JOINT MOTION TO HOLD PROCEEDING IN ABEYANCE

Complainant Navajo Transitional Energy Company, LLC (“NTEC”) and Defendant BNSF Railway Company (“BNSF”) hereby jointly move the Board to hold the above-captioned proceeding in abeyance until January 8, 2024.

NTEC and BNSF have recently reached a settlement agreement to resolve this matter. The parties expect that the settlement will be concluded by January 8, 2024. Consequently, the parties request that the Board temporarily hold this proceeding in abeyance pending the conclusion of the parties’ settlement process.

Respectfully submitted,

/s/ Daniel M. Jaffe

Daniel M. Jaffe
Frank J. Pergolizzi
Andrew B. Kolesar III
Slover & Loftus LLP
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170
Attorneys for Complainant
Navajo Transitional Energy Company, LLC

/s/ Timothy J. Strafford

Peter W. Denton
Anthony J. LaRocca
Timothy J. Strafford
Molly Bruder Fox
Onika K. Williams
Tara A. Woods
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000
Attorneys for Defendant
BNSF Railway Company

Dated: November 9, 2023

CERTIFICATE OF SERVICE

I hereby certify that I have this 9th day of November 2023, caused copies of the foregoing to be served via email on all parties of record.

/s/ Daniel M. Jaffe
Daniel M. Jaffe
An Attorney for Complainant