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

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*Attorneys for Applicant-Petitioner
Navajo Transitional Energy Company, LLC*

Dated: November 20, 2023

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

NOTICE OF DISMISSAL WITH PREJUDICE

As noted in the parties’ November 9, 2023 Joint Motion to Hold Proceeding in Abeyance, Navajo Transitional Energy Company, LLC (“NTEC”) and BNSF Railway Company have reached a settlement agreement to resolve all claims in this proceeding. The parties have concluded the settlement process. NTEC therefore requests that the Board dismiss this proceeding with prejudice. NTEC is authorized to represent that each party shall bear its own costs, attorneys’ fees, and expenses associated with this proceeding.

Respectfully submitted,

/s/ Daniel M. Jaffe

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CERTIFICATE OF SERVICE

I hereby certify that I have this 20th 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 Applicant-Petitioner