

Docket No. NOR 42178

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	)	
	)	

**REQUEST TO VACATE JUNE 23, 2023
PRELIMINARY INJUNCTION DECISION**

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 now have concluded that settlement process. NTEC therefore requests that the Board vacate the June 23, 2023 preliminary injunction decision in this case. Separately this day, NTEC is filing a Notice of Dismissal with Prejudice in this proceeding.

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 Applicant-Petitioner

Navajo Transitional Energy Company, LLC

Dated: November 20, 2023

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