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SERVICE DATE – MAY 10, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42127

INTERMOUNTAIN POWER AGENCY
v.
UNION PACIFIC RAILROAD COMPANY

Decided: May 9, 2011

This decision modifies the procedural schedule for this proceeding.

Intermountain Power Agency (IPA) challenges the reasonableness of rates established by Union Pacific Railroad Company (UP) for unit train coal transportation service to IPA's electric generating facilities at Lynndyl, Utah. IPA alleges that UP possesses market dominance over the traffic and requests that maximum reasonable rates be prescribed pursuant to the Board's Stand-Alone Cost (SAC) test. IPA also alleges that UP's failure to disclose its rates within 10 business days of when IPA requested them was an unreasonable practice.

On January 6, 2011, IPA and UP jointly filed a report on their conference held pursuant to 49 C.F.R. § 1111.10(b). The report contained the parties' proposed procedural schedule and a stipulated protective order, both of which the Board adopted by decision served January 27, 2011.

The procedural schedule proposed by the parties and adopted by the Board did not include a deadline for the joint submission of operating characteristics, a submission typically required in SAC rate proceedings. See S. Miss. Elec. Power Ass'n v. Norfolk S. Ry., NOR 42128 (STB served Mar. 14, 2011); Seminole Elec. Coop. v. CSX Transp., Inc., NOR 42110 (STB served Dec. 11, 2008). A deadline for this submission is provided in the following modified procedural schedule:

Joint Submission of Operating Characteristics	June 1, 2011
Complainant Files Opening Evidence	July 13, 2011
Defendant Files Reply Evidence	October 11, 2011
Complainant Files Rebuttal Evidence	December 2, 2011
Parties File Closing Briefs	January 18, 2012

The procedural schedule is otherwise unchanged.¹

¹ Under the procedural schedule adopted for this proceeding in the Board's January 27, 2011 decision, discovery closed on April 13, 2011.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The modified procedural schedule described above is adopted for this proceeding.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.