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SEC

SERVICE DATE - OCTOBER 9, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42057

PUBLIC SERVICE COMPANY OF COLORADO D/B/A XCEL ENERGY
v.
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: October 8, 2002

A decision that included both a protective order and a procedural schedule for this proceeding was served on January 29, 2001. In a letter filed on October 23, 2001, complainant, the Public Service Company of Colorado d/b/a Xcel Energy, Inc. (Xcel), informed the Board that, due to discovery disputes, the original procedural schedule, to which the parties had agreed, had been abandoned by their mutual agreement.¹ By motion filed on October 1, 2002, with the approval and permission of defendant, The Burlington Northern and Santa Fe Railway Company, Xcel requests that the procedural schedule set forth below be established. Xcel states that the parties have agreed to extend the time frame beyond that established in 49 CFR 1111.8. In light of the agreement of the parties, the request to establish a new procedural schedule will be granted and the schedule will be set as proposed.

It is ordered:

1. Xcel's unopposed motion to establish a procedural schedule is granted.
2. The procedural schedule in this proceeding is as follows:

October 25, 2002	Close of discovery.
January 10, 2003	Opening evidence due.
April 4, 2003	Reply evidence due.
May 19, 2003	Rebuttal evidence due.

¹ The discovery disputes were resolved by agreement of the parties and by decisions served on February 1, 2002, July 2, 2002, and September 25, 2002.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary