

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35506

WESTERN COAL TRAFFIC LEAGUE—PETITION FOR DECLARATORY ORDER

Decided: December 5, 2011

This decision grants a motion for an extension of time for filing rebuttals in this proceeding.

On May 2, 2011, the Western Coal Traffic League (WCTL) filed a petition pursuant to 5 U.S.C. § 554(e) and 49 U.S.C. § 721, asking the Board to issue an order declaring that the Board will adjust the Uniform Railroad Costing System (URCS) costs of BNSF Railway Company (BNSF) for calendar year 2010 and subsequent years. Specifically, WCTL asked the Board to declare that it will exclude the write-up in BNSF's net investment base attributable to the difference between the book value and the price that Berkshire Hathaway, Inc., paid to acquire BNSF in 2010, and to make corresponding changes in BNSF's annual URCS depreciation calculations.

On September 28, 2011, the Board instituted a proceeding to consider WCTL's requests. W. Coal Traffic League—Petition for Declaratory Order, FD 35506 (STB served Sept. 28, 2011) (September 28 Decision). That decision also established a procedural schedule for this proceeding.

By motion filed on November 30, 2011, WCTL, American Public Power Association, Edison Electric Institute, National Association of Regulatory Utility Commissioners (NARUC), National Rural Electric Cooperative Association, Western Fuels Association, Inc., and Basin Electric Power Cooperative, Inc., (collectively, Coal Shippers/NARUC) seek to extend the due date for the filing of rebuttal evidence and arguments, by all parties, from December 12, 2011, to December 20, 2011. Coal Shippers/NARUC state that the extension is requested in order to provide adequate time to respond to the reply evidence and argument submitted by BNSF and other parties. Coal Shippers/NARUC also state that, because the Board determined in its September 28 Decision, slip op. at 3, that it would not decide the issues presented in this proceeding before releasing 2010 URCS, a short extension is unlikely to interfere with the Board's timetable for deciding the issues here. Lastly, Coal Shippers/NARUC state that BNSF does not object to the requested extension.

Coal Shippers/NARUC's motion for extension of time for all parties to submit rebuttal evidence and arguments will be granted.

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

It is ordered:

1. Coal Shippers/NARUC's motion for an extension of time is granted.
2. Rebuttals are due December 20, 2011.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.