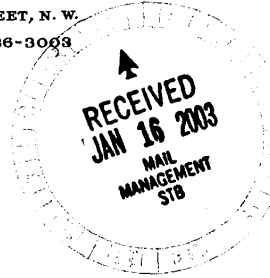


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January 16, 2003

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VIA HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

**Re: STB Docket No. 41185, Arizona Public Service Co. and PacifiCorp
v. The Atchison, Topeka and Santa Fe Railway Company**

Dear Secretary Williams:

On January 10, 2003, The Burlington Northern and Santa Fe Railway Company ("BNSF") filed two petitions in this proceeding. One requests the Board to reopen the proceeding and to vacate the rate prescriptions the Board imposed in its decisions in *Arizona Pub. Serv. Co., et al. v. Atchison, T.&S.F. Ry.*, 2 S.T.B. 367 (1997) and *Arizona Pub. Serv. Co., et al. v. Atchison, T.&S.F. Ry.*, 3 S.T.B. 70 (1998) ("Petition to Reopen"). The second petition makes the extraordinary request that the Board require Arizona Public Service Company and PacifiCorp ("APS/PacifiCorp") to begin paying immediately a rate sixty-four percent (64%) greater than the rate prescribed by the Board for 2003, or alternatively to force APS/PacifiCorp to agree to make any relief BNSF may obtain on reopening retroactive to January 1, 2003 ("Petition for Interim Relief"). BNSF has requested expedited handling of its Petition for Interim Relief.

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APS/Pacificorp are reviewing BNSF's two petitions and will be responding to both on a timely basis in accordance with the Board's rules. Although BNSF requests expedited consideration for its Petition for Interim Relief, that petition relies on the verified statements submitted in support of its Petition to Reopen. APS/Pacificorp will need to respond to those materials in connection with its replies to both petitions and will require the full twenty (20) days provided by the Rules to do so. See 49 C.F.R. § 1104.13. Accordingly, APS/Pacificorp request the Board to await receipt and consideration of their replies before ruling upon BNSF's Petition for Interim Relief.

Respectfully submitted,

A handwritten signature in cursive script, reading "C. Michael Loftus".

C. Michael Loftus

CML/jwp

cc: David M. Konschnik, by Hand Delivery
Samuel M. Sipe, Jr., by Hand Delivery