

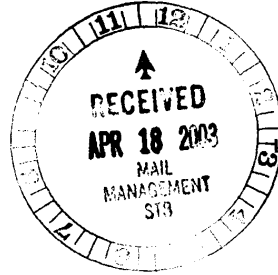
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SLOVER & LOFTUS

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 20036-3003

WILLIAM L. SLOVER
C. MICHAEL LOFTUS
DONALD G. AVERY
JOHN H. LE SEUR
KELVIN J. DOWD
ROBERT D. ROSENBERG
CHRISTOPHER A. MILLS
FRANK J. PERGOLIZZI
ANDREW B. KOLESAR III
PETER A. PFOHL
DANIEL M. JAFFE
KAREN HASSELL HERREN
KENDRA A. ERICSON



TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

WRITER'S E-MAIL:
hjd@sloverandloftus.com

April 18, 2003

VIA HAND DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 711
Washington, D.C. 20423-0001

Re: Docket No. 41191, West Texas Utilities Company v.
The Burlington Northern and Santa Fe Railway Company

Dear Secretary Williams:

This firm is counsel to AEP Texas North Company ("AEP"), successor in interest to West Texas Utilities Company, Complainant in the referenced docket. Yesterday, we were served with a copy of a document entitled "Petition Of The Burlington Northern And Santa Fe Railway Company For a Declaration Regarding The Rate Prescription On Coal Movements From Rawhide, Wyoming to Oklaunion, Texas."

Despite its creative styling, BNSF's pleading in actuality is a petition seeking modification of a rate prescription. Standing alone, such a request is not particularly unusual, though at the appropriate time AEP will show that it is unmeritorious. The petition also includes two extraordinary requests for relief, however, which are wholly unsupported in law: (1) that the prescription be lifted and BNSF be allowed to increase AEP's rate retroactively; and (2) that this action be taken by the Board without a hearing within 20 days.

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AEP intends to reply in opposition to BNSF's pleading within the time period provided by the Board's regulations (49 C.F.R. Part 1104.13 (a)). Given the clear mandates of the law governing modifications of rate prescriptions, including the authorities cited in the Board's November 7, 2000 Decision in this docket, no basis exists for the precipitous action requested by BNSF. Should the Board desire a more expeditious reply from AEP than that provided under the rules, however, we request that the undersigned be so advised.

Thank you for your consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kelvin J. Dowd', with a stylized flourish at the end.

Kelvin J. Dowd
an Attorney for
AEP Texas North Company

KJD:dmb

cc: Samuel M. Sipe, Esq. (by hand)
David Cohen, Esq. (via facsimile)