

STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Telephone 202.429.3000
Facsimile 202.429.3902
www.steptoelaw.com

Samuel M. Sipe Jr.
202.429.6486
ssipe@steptoelaw.com

208631

August 5, 2003

Via HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

AUG - 6 2003

Part of
Public Record



Re: **Arizona Public Service Co. and PacifiCorp v. The Burlington Northern and Santa Fe Railway Company, STB Docket No. 42077, and Arizona Public Service Co. and PacifiCorp v. The Burlington Northern and Santa Fe Railway Company, STB Docket No. 41185**

Dear Secretary Williams:

On behalf of The Burlington Northern and Santa Fe Railway Company ("BNSF"), I am submitting this letter to oppose the Motion for Leave to File Out-of-Time The Reply Amicus Curiae of Edison Electric Institute ("EEI") and the Reply Amicus Curiae of EEI to Petitions for Reconsideration of Complainants and The Western Coal Traffic League filed with the Board on July 17, 2003. The Board should deny EEI's motion because the reply EEI seeks leave to file is very untimely; it was submitted three and one-half weeks after the June 23, 2003 deadline for such replies. Moreover, nothing would be gained from accepting EEI's out of-time reply, since that reply simply reiterates arguments made by the Complainants and The Western Coal Traffic League in their Petitions for Reconsideration.

If you have any questions regarding this matter, please contact the undersigned.

Sincerely,

Samuel M. Sipe Jr.

Samuel M. Sipe Jr.
Counsel for The Burlington Northern
and Santa Fe Railway Company

cc: Michael F. McBride, counsel for EEI
C. Michael Loftus, counsel for Complainants
William L. Slover, counsel for The Western Coal Traffic League

WASHINGTON

PHOENIX

LOS ANGELES

LONDON

BRUSSELS