

209214

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October 24, 2003

VIA HAND DELIVERY

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

ENTERED
Office of Proceedings

OCT 27 2003

Part of
Public Record

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

Dear Secretary Williams:

Please find enclosed for filing in the above-referenced proceeding an original and ten copies of a Proposed Procedural Schedule. A diskette containing an electronic copy of the submission (in WordPerfect) is enclosed.

An additional copy of the filing also is enclosed. Kindly indicate receipt and filing by time-stamping this extra copy and returning it to the bearer of this letter.

Sincerely,

C. Michael Loftus
An Attorney for
Arizona Public Service Company
and PacifiCorp

Enclosure

cc: Samuel M. Sipe, Jr., Esq.
Anthony J. LaRocca, Esq.

209214

BEFORE THE
SURFACE TRANSPORTATION BOARD



ARIZONA PUBLIC SERVICE COMPANY,
and PACIFICORP,

Complainants

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY,

Defendant.

Docket No. 41185

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PROPOSED PROCEDURAL SCHEDULE

The Board's decision served October 14, 2003 directs the parties to submit a proposed procedural schedule in this reopened proceeding. Counsel for the parties have conducted a conference to discuss procedural matters in this case and have agreed upon a proposed procedural schedule. This proposed schedule follows the procedure suggested by the Board for the filing of evidence consistent with the Board's decisions served May 12, 2003 and October 14, 2003. The proposed schedule is set forth below:

December 12, 2003	Discovery completed.
January 16, 2004	Complainants file opening evidence.
February 27, 2004	Defendant files reply evidence.
March 26, 2004	Complainants file rebuttal evidence.

Counsel for Defendant has authorized counsel for Complainants to state that the parties are in agreement on the above-referenced proposed schedule, and the parties jointly request that the Board issue an appropriate order adopting this schedule.

Complainants further state that while they are in agreement on the above-referenced proposed schedule to govern this reopened proceeding, Complainants respectfully reserve the right, as recognized by the Board in its May 12, 2003 and October 14, 2003 decisions, to seek dismissal of this proceeding and to take any additional appropriate actions as their interests may require. Complainants have not, as of the date of this filing, had adequate opportunity to evaluate, confer and reach a decision with regard to this potential course of action.

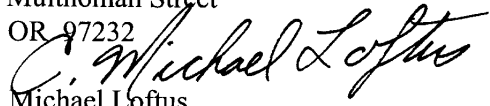
Respectfully submitted,

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PACIFICORP
825 N.E. Multnomah Street
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OF COUNSEL:

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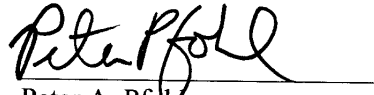
DATED: October 24, 2003

ATTORNEYS FOR COMPLAINANTS

CERTIFICATE OF SERVICE

I hereby certify that this 24th day of October, 2003, I served a copy of the foregoing filing by hand delivery on designated outside counsel for BNSF, as follows:

Samuel M. Sipe, Jr.
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Peter A. Pfohl