

209827

BEFORE THE
SURFACE TRANSPORTATION BOARD

ARIZONA PUBLIC SERVICE COMPANY,
AND PACIFICORP,

Complainants,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY,

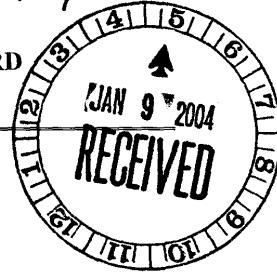
Defendant.

Docket No. 41185

ENTERED
Office of Proceedings

JAN 12 2004

Part of
Public Record



DEFENDANT'S REPLY TO COMPLAINANTS' MOTION TO COMPEL

The Burlington Northern and Santa Fe Railway Company ("BNSF") hereby replies to the Motion to Compel filed by complainants Arizona Public Service Company and PacifiCorp (collectively "APS/PacifiCorp") on December 30, 2003.

APS/PacifiCorp's Motion to Compel seeks an order requiring BNSF to produce "transportation contracts as well as actual and forecasted traffic volumes, revenues, and/or rates applicable to movements of coal from applicable mine origins to APS/PacifiCorp's Cholla Generating Station ("Cholla") and Salt River Project Agricultural Improvement & Power District's ("Salt River's") Coronado Generating Station ("Coronado") between 1994 and 2013." Motion to Compel at 3-4. Such an order is necessary to enable BNSF to produce relevant transportation agreements and related materials, subject to the protective order in this proceeding, without first obtaining the express permission of each party to those agreements. BNSF advised APS/PacifiCorp prior to the filing of the Motion that BNSF was not opposed to a motion for an order compelling the production of relevant transportation contracts and related

materials because such an order could facilitate and expedite the production of those materials.

BNSF therefore does not oppose APS/PacifiCorp' Motion.

Respectfully submitted,



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Dated: January 9, 2004

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2004, a true and correct copy of the foregoing document was served by hand on:

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