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BEFORE THE
SURFACE TRANSPORTATION BOARD



OTTER TAIL POWER COMPANY,)

Complainant,)

v.)

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY,)

Defendant.)

EXPEDITED CONSIDERATION
REQUESTED

Docket No. 42071

ENTERED
Office of Proceedings

JUN 10 2004

Part of
Public Record

COMPLAINANT'S MOTION FOR EXTENSION OF TIME

Otter Tail Power Company ("Otter Tail") hereby requests an extension of time, until July 20, 2004, to respond to the "Motion to Strike," filed on June 8, 2004 by defendant, The Burlington Northern and Santa Fe Railway Company ("BNSF"). BNSF has informed Otter Tail that it does not oppose this Motion. Otter Tail requests expedited consideration of this Motion, due to the short time periods involved.

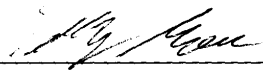
Pursuant to 49 C.F.R. § 1104.13(a), Otter Tail's reply to BNSF's Motion to Strike is due on June 28, 2004. However, Otter Tail's expert witnesses at L.E. Peabody & Associates, Inc. are in the midst of preparing Rebuttal Evidence in Docket No. 41191 (Sub No. 1), *AEP Texas North Company v. BNSF*, which is due on July 6, 2004. In addition, they are preparing for a Technical Conference with Board staff on June 15, 2004 in Docket No. 42058, *Arizona Electric Power Coop., Inc. v. BNSF and Union Pacific R.R.. Co.* Moreover, they are analyzing the Board's recent decision in Docket No. 42057, *Public Service Co. of Colorado d/b/a/ Xcel Energy v. BNSF*, for a possible Petition for Reconsideration, which would be due on June 28, 2004, the

same day as Otter Tail's Reply to BNSF. Furthermore, Otter Tail's counsel will be on vacation from June 26 through July 5 and its expert witnesses will be on vacation from July 7-12.

For the foregoing reasons, Otter Tail requests that the Board extend the due date for Otter Tail to Reply to BNSF's Motion to Strike until Friday, July 20, 2004. Otter Tail has consulted with BNSF, which is not opposed to this Motion.

Respectfully submitted,

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Dated: June 10, 2004

*Attorneys for Complainant
Otter Tail Power Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of June, 2004, I served a copy of "Complainant's Motion for Extension of Time" by hand delivery to counsel for Defendant at the following address:

Samuel M. Sipe, Jr., Esq.
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