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January 7, 2005

Via Hand Delivery

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St. N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

JAN 07 2005

Part of
Public Record



RE: STB Docket No. 42071, *Otter Tail Power Company v. The Burlington Northern and Santa Fe Railway Company*

Dear Secretary Williams:

Please find enclosed for filing the original and ten (10) copies of Complainant's Consent Motion for Extension of Procedural Schedule in the above referenced proceeding. Also enclosed is one diskette with a copy of the Motion in PDF format and Word format.

An extra copy of the motion is enclosed for stamping and returning to our offices.

Should you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Sincerely,


Nicholas J. DiMichael
Jeffrey O. Moreno
Counsel for Complainant

cc: Counsel for Defendant

previous supplemental evidence in April 2004. Therefore, Otter Tail asked the railroad to provide it with the copy of the model that BNSF had previously given to Otter Tail. The parties quickly entered into a new agreement regarding the use and return of the model by Otter Tail, and BNSF delivered the model to Otter Tail's consultants on the evening of December 28. However, Otter Tail experienced difficulties in getting the model that was provided by BNSF to accept and save modified inputs, and, after the parties conferred, BNSF asked Otter Tail to return the RTC model to the railroad so that the carrier could investigate. BNSF, in turn, worked with the model. BNSF resolved the problem with the security program yesterday, January 6, 2005, and Otter Tail has received the RTC model today, January 7, 2005.

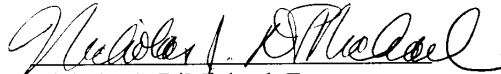
Otter Tail believes that it can submit supplemental evidence using the RTC model in the 45 days permitted by the Board in its December 13th order. However, in spite of the BNSF's cooperation in delivering the RTC model to Otter Tail as quickly as possible, the intervening holidays and difficulties in getting the model to accept modified inputs have unavoidably delayed Otter Tail's use of the model until today. Therefore, Otter Tail respectfully requests the Board to extend the time for both parties to submit supplemental evidence from the current due date of January 27, 2005, to February 22, 2005.

BNSF concurs in this request, on the condition that Otter Tail also requests a short, 7-day extension of the time for both parties to submit reply supplemental evidence, from 20 to 27 days after the submission of opening supplemental evidence. Otter Tail believes that BNSF's request is reasonable, and concurs in that request.

Therefore, Otter Tail respectfully requests the Board to amend its December 13th order to provide for the submission of supplemental evidence on February 22, 2005, with replies due on March 21, 2005.

Respectfully submitted

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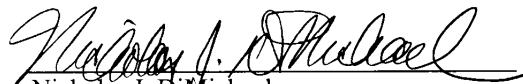
Dated: January 7, 2005

Attorneys for Complainant
Otter Tail Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January, 2005, I served a copy of "Complainant's Consent Motion for Extension of Procedural Schedule" by hand delivery to counsel for Defendant at the following address:

Samuel M. Sipe, Jr., Esq.
Anthony J. LaRocca, Esq.
Brooke L. Gaede, Esq.
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Nicholas J. DiMichael