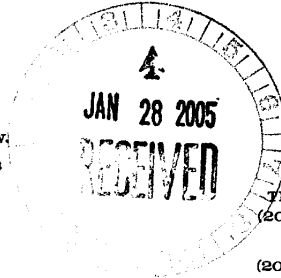


WILLIAM L. SLOVER  
C. MICHAEL LOFTUS  
DONALD G. AVERY  
JOHN H. LE SEUR  
KELVIN J. DOWD  
ROBERT D. ROSENBERG  
CHRISTOPHER A. MILLS  
FRANK J. PERGOLIZZI  
ANDREW B. KOLESAR III  
PETER A. PFOHL  
DANIEL M. JAFFE  
KAREN HASSELL HERREN  
KENDRA A. ERICSON

SLOVER & LOFTUS  
ATTORNEYS AT LAW  
1224 SEVENTEENTH STREET, N.W.  
WASHINGTON, D. C. 20036-3003



TELEPHONE:  
(202) 347-7170

FAX:  
(202) 347-3619

WRITER'S E-MAIL:

January 28, 2005

jhl@sloverandloftus.com

213118

VIA HAND DELIVERY

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Room 711  
Washington, DC 20423-0001

Office of the Secretary  
Surface Transportation Board

Re: Docket No. 42088, Western Fuels Association, Inc. and  
Basin Electric Power Cooperative, Inc. v. The Burlington  
Northern and Santa Fe Railway Company

Dear Secretary Williams:

In light of the agreements reached at yesterday's staff conference,  
Complainants hereby withdraw their Motion to Compel filed with the Board on January  
14, 2005.

Respectfully submitted,

  
John H. LeSeur  
An Attorney for Complainants

JHL:cef

cc: Anthony J. LaRocca, Esq.  
(Via Hand Delivery)