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SLOVER & LOFTUS

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 20036-3003

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
KENDRA A. ERICSON

TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

WRITER'S E-MAIL:

August 29, 2005

jhl@sloverandloftus.com

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

AUG 29 2005

Part of
Public Record



Re: Docket No. 42088, Western Fuels Association, Inc. and Basin
Electric Power Cooperative, Inc. v. BNSF Railway Company

Dear Secretary Williams:

Enclosed for filing in the referenced proceeding please find an original and ten copies of Complainants' Unopposed Petition to Modify the Procedural Schedule. The Petition seeks a short extension of the present due date for Rebuttal Statements, from September 16 to September 30, 2005. Because this Petition is being filed shortly before Rebuttal Statements are due under the present schedule, Complainants request that the Board give this filing **EXPEDITED CONSIDERATION**. BNSF has authorized Complainants to represent that BNSF does not object to the proposed extension.

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

Thank you for your attention to this matter.

Respectfully submitted,

John H. LeSeur

JHL:cef
Enclosures

cc: David M. Konschnik
Counsel for BNSF

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



WESTERN FUELS ASSOCIATION, INC.	)	ENTERED
and BASIN ELECTRIC POWER	)	Office of Proceedings
COOPERATIVE, INC.	)	AUG 29 2005
	)	Part of
	)	Public Record
Complainants,	)	
	)	Docket No. 42088
v.	)	
	)	
BNSF RAILWAY COMPANY	)	
	)	
Defendant.	)	

**UNOPPOSED PETITION
TO MODIFY THE PROCEDURAL SCHEDULE**

Complainants Western Fuels Association, Inc. and Basin Electric Power Cooperative, Inc. ("WFA/Basin") hereby request the Board to modify the procedural schedule in this case by extending the due date for Rebuttal Statements from September 16, 2005 to September 30, 2005. Defendant Burlington Northern Railway Company ("BNSF") has authorized WFA/Basin to represent that BNSF does not object to the extension requested herein, provided the extension applies to both parties' Rebuttal Statements.

WFA/Basin request this short extension in order to have sufficient time to prepare and present their Rebuttal Statement. BNSF submitted a lengthy Reply Statement in this case on July 20, 2005. Since that time, BNSF has submitted two Reply errata

filings, the most recent of which BNSF filed with the Board, and served on WFA/Basin, last Thursday (August 25) – just three weeks before WFA/Basin’s Rebuttal Statement is due under the current procedural schedule. BNSF’s latest errata filing makes extensive changes in BNSF’s Reply evidence, including the submission of a revised discounted cash flow analysis and the submission of a revised set of linked electronic workpapers.

The short extension sought by WFA/Basin should offer it sufficient time to respond to BNSF’s Reply Statement, as subsequently modified by BNSF’s two errata filings. Accordingly, WFA/Basin respectfully request the Board to grant this unopposed petition.

Respectfully submitted,

WESTERN FUELS ASSOCIATION, INC., and
BASIN ELECTRIC POWER COOPERATIVE, INC.

By: John H. LeSeur 
Christopher A. Mills
Peter A. Pfohl
Daniel M. Jaffe
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170

OF COUNSEL:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

Dated: August 29, 2005

Attorneys for Complainants

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2005, I caused a copy of the foregoing Unopposed Petition to Modify the Procedural Schedule to be served by hand delivery on counsel for BNSF, as follows:

Samuel M. Sipe, Jr.
Anthony J. LaRocca
Linda S. Stein
Steptoe & Johnson, L.L.P.
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795



John H. LeSeur