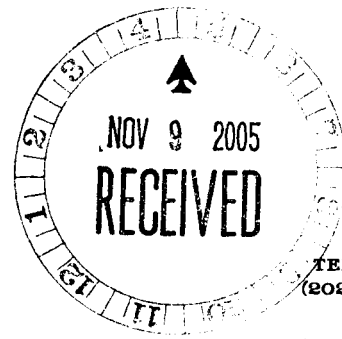


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November 9, 2005

215/21

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**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

NOV 09 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 above-referenced proceeding are an original and ten copies of Complainants' Unopposed Petition to Modify the Briefing Schedule. The Petition seeks a short extension of the present due date for filing briefs, from November 22 to December 6, 2005. Because this Petition is being filed shortly before briefs are due under the present schedule, Complainants request that the Board give this filing **EXPEDITED CONSIDERATION.**

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.

Respectfully submitted,

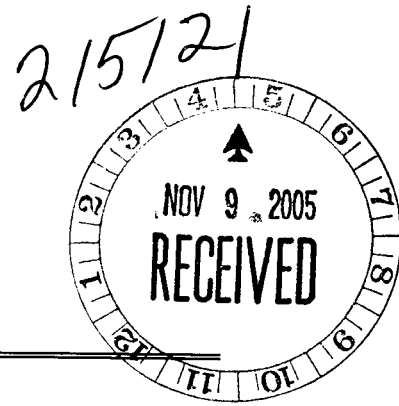
John H. LeSeur

JHL:cef  
Enclosures

cc: David M. Konschnik  
Counsel for Defendant

**EXPEDITED CONSIDERATION REQUESTED**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



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

Complainants,

v.

BNSF RAILWAY COMPANY

Defendant.

Docket No. 42088

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Office of Proceedings

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**UNOPPOSED PETITION TO  
MODIFY THE BRIEFING SCHEDULE**

Complainants Western Fuels Association, Inc. and Basin Electric Power Cooperative, Inc. ("WFA/Basin") hereby request the Board to modify the briefing schedule in this case by extending the due date for briefs from November 22, 2005 to December 6, 2005.

The Board established the current briefing schedule in an order served on October 20, 2005. On that same date, Defendant BNSF Railway Company ("BNSF") filed its Motion to Strike and for Leave to File Limited Surrebuttal ("Motion"). BNSF's Motion (and attachments) contained 109 hard-copy pages, a revised set of discounted cash flow analyses and a revised set of linked electronic workpapers.

WFA/Basin are filing their Reply to BNSF's Motion today (November 9, 2005). WFA/Basin's preparation of this Reply has delayed their brief preparations. The short extension sought by WFA/Basin will allow WFA/Basin sufficient time to prepare their brief. Counsel for BNSF has informed counsel for WFA/Basin that BNSF does not oppose this Petition.

WFA/Basin respectfully request that the Board grant this Petition.

Respectfully submitted,

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

By: John H. LeSeur   
Christopher A. Mills  
Peter A. Pfohl  
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OF COUNSEL:

Slover & Loftus  
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Washington, D.C. 20036

Dated: November 9, 2005

Attorneys for Complainants

CERTIFICATE OF SERVICE

I hereby certify that on this 9<sup>th</sup> day of November, 2005, I caused a copy of the foregoing Unopposed Petition to Modify the Briefing 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

A handwritten signature in black ink, appearing to read "John LeSeur", written over a horizontal line.

John H. LeSeur