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SERVICE DATE - LATE RELEASE MARCH 11, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42057

PUBLIC SERVICE COMPANY OF COLORADO D/B/A XCEL ENERGY  
v.  
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: March 11, 2004

The Surface Transportation Board will hold an oral argument on Thursday, March 18, 2004, at 10:00 a.m., in Room 760, the Board's Hearing Room, on the 7th floor at the Board's headquarters in the Mercury Building, 1925 K Street, N.W., Washington, DC. Participation is limited to the parties' representatives, as set out below. At issue is the complaint filed by Public Service Company of Colorado d/b/a Xcel Energy (Xcel) challenging the reasonableness of the rates charged by The Burlington Northern and Santa Fe Railway Company (BNSF) for movements of coal from origins in the Powder River Basin of Wyoming to Xcel's Pawnee Steam Electric Generating Station near Brush, CO. Xcel has asked the Board to prescribe the maximum reasonable rates that BNSF may charge for this traffic.

**Instructions for Attendance at Hearing**

The Board requests that all persons attending the oral argument use the Mercury Building's main entrance at 1925 K Street (on the northeast corner of the intersection of 20th and K Streets). There will be no reserved seating. Please plan to arrive early enough to be seated no later than 9:45 a.m. For security reasons, all persons should be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, and any other bags. Visitors must be cleared through security in the Board's Suite 100 (on the 1st Floor, at the top of the ramp to the left of the main lobby) prior to being escorted to the hearing room.

Quiet laptops and tape recorders may be brought into the hearing room, but absolutely no provision will be made for the connection of personal computers to Board telephone lines. Cellular telephone use is not permitted in the hearing room, or in the rear anteroom. Cellular phones may only be used outside the hearing room.

The Board's hearing room does comply with the Americans With Disabilities Act, and persons needing such accommodations should contact Beverly Ledbetter in the Board's Section of Facilities Management at (202) 565-1709, by the close of business on Wednesday, March 17, 2004.

**Schedule of Appearances**

In response to the Board's decision scheduling the oral argument, the parties provided the names of their respective speakers, together with written summaries of the specific points to be raised at the oral argument. The speakers should be prepared to answer questions from the bench, particularly with respect to the matters the parties propose to address and the following additional areas:

1. whether the Board should alter or change the method it uses to set the maximum reasonable rate if the evidence shows that the revenues generated by the traffic group exceed the revenue requirements of the stand-alone railroad; and
2. whether operating and road property investment costs that differ significantly from the evidence accepted in recent stand-alone cost cases in the West can be justified.

Each speaker will be allotted 45 minutes. Complainant will open and may reserve part of its time for rebuttal. The following speakers are scheduled to address the Board: for the complainant, Xcel, Thomas W. Wilcox; and for the defendant, BNSF, Richard E. Weicher and Samuel M. Sipe, Jr.

This action will not affect either the quality of the human environment or the conservation of energy resources.

**It is ordered:**

1. Admittance to the Surface Transportation Board oral argument on March 18, 2004, will be based upon the conditions set forth above.
2. Time is allocated to the speakers as discussed above.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary