

SURFACE TRANSPORTATION BOARD

Docket No. 42056

TEXAS MUNICIPAL POWER AGENCY

v.

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Public Comments of STB Staff in September 24, 2004 Voting Conference

by Raymond Atkins

Office of the General Counsel

Members of the Board:

In an earlier decision on the merits, the Board found that the Burlington Northern and Santa Fe Railway Company (BNSF) was charging an unreasonably high rate to haul coal from the Power River Basin to a captive power plant at Iola, TX. The Board therefore ordered the railroad to pay reparations to the shipper, Texas Municipal Power Agency (TMPA), and prescribed the maximum lawful rate the railroad could charge in the future.

Both parties sought reconsideration of that decision, raising a number of issues. My presentation will discuss briefly three issues raised by the parties. With regard to the other issues, the Staff recommends the Board deny the reconsideration requests, except for a few small corrections.