

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42113

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

v.

BNSF RAILWAY COMPANY AND
UNION PACIFIC RAILROAD COMPANY

Decided: March 16, 2009

This decision modifies the procedural schedule in this proceeding.

The Board established a procedural schedule for this proceeding in a decision served on February 3, 2009 (February 3 decision). On March 11, 2009, the parties filed a joint motion to modify the schedule as it pertains to a staff-supervised discovery conference.

The parties state that, because discovery is still in the early stages, they will not know whether a staff-supervised discovery conference will be necessary by March 16, 2009, the date set forth in the procedural schedule for that conference. The parties request that the conference be rescheduled to occur, if necessary, on April 24, 2009.

The request will be granted because staff-supervised discovery conferences can facilitate settlement of disputes and avoid litigation over discovery issues, preserving the resources of both the parties and the Board. But it is noted, however, that the parties to this proceeding initially requested a significantly lengthier procedural schedule than that which was ultimately set by the Board. The decision here to modify the procedural schedule with regard to a discovery conference does not otherwise modify the schedule in any way. The parties should expect to comply with the remaining schedule as established in the February 3 decision.

It is ordered:

1. The parties' joint motion to modify the procedural schedule is granted.
2. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary