

39804
SEC

SERVICE DATE – MARCH 12, 2009

SURFACE TRANSPORTATION BOARD

NOTICE

STB Docket No. 42088¹

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

v.

BNSF RAILWAY COMPANY

The following court action was instituted, on or about March 4, 2009, in the United States Court of Appeals for the District of Columbia Circuit, seeking judicial review of the Board's decision in the above-titled proceeding:

No. 09-1092

BNSF Railroad Company

v.

Surface Transportation Board and United States of America

Anne K. Quinlan
Acting Secretary

¹ The Court has consolidated No. 09-1092 with No. 08-1167.