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SEC

SERVICE DATE – LATE RELEASE JULY 1, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42071

OTTER TAIL POWER COMPANY

v.

BNSF RAILWAY COMPANY

Decided: July 1, 2005

The Surface Transportation Board will hold an oral argument on Wednesday, July 27, 2005, at 1:00 p.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 reasonableness of the rates charged by BNSF Railway Company for transporting unit-train movements of coal from mine origins in the Powder River Basin of Wyoming, to Otter Tail Power Company's (Otter Tail) Big Stone Generating Station located near Milbank, SD.

No additional written comments may be filed in connection with the oral argument (other than the written summary discussed below), as an extensive written record has already been developed in this proceeding. Each party is encouraged to use its oral argument time to call attention to the points it believes are particularly important. The purpose of oral argument is not to restate the written arguments previously made, but to summarize and emphasize the key points of a party's case, and provide an opportunity for questions that the Board may have regarding any issue in the proceeding.

The complainant in this case will have 40 minutes of argument time and the defendant will have 40 minutes of argument time. Otter Tail will open and may reserve part of its time for rebuttal if it so chooses. Each party must provide the full name and title of its speaker to the Board, together with a written summary (not to exceed 3 pages) of the specific points it wishes to discuss at the oral argument, as soon as possible, but no later than July 18, 2005.

If a party wishes to enhance its argument by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the Hearing Room's projection system on July 26, 2005, from 2 p.m. to 4 p.m. Please call (202) 565-1664 to make arrangements.

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 12:45 p.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 Office of Proceedings at (202) 565-1664, by the close of business on July 21, 2005.

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

It is ordered:

1. Oral argument in this proceeding will be held on Wednesday, July 27, 2005, beginning at 1:00 p.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C.
2. Each party must provide the oral argument information specified above in writing by July 18, 2005.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary