

EXPEDITED ACTION REQUESTED

206 030

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



NORTHERN STATES POWER
COMPANY MINNESOTA,

Complainant,

v.

UNION PACIFIC RAILROAD
COMPANY,

Defendant.

Docket No. 42059

**ENTERED
Office of Proceedings**

AUG 13 2002

**Part of
Public Record**

UNION PACIFIC'S PETITION TO MODIFY PROCEDURAL SCHEDULE

Union Pacific Railroad Company ("UP") respectfully requests that the Board modify the procedural schedule in this case by extending the due dates for filing reply and rebuttal evidence by two weeks. The new due dates would be as follows:

Reply evidence due: October 4, 2002

Rebuttal evidence due: November 1, 2002

We seek this modification because there have been two significant developments since the parties agreed to the current schedule. First, UP's in-house counsel responsible for this case is also responsible for a trial in federal district court in Kansas City, Kansas. The starting date for that trial has been shifted back by two weeks, and it now appears that she will be in trial through the current due date for filing reply evidence in this proceeding. Second, as the Board is aware, the schedules in the *Duke Energy* proceedings (Docket Nos. 42069 & 42070) have recently been modified, so that reply evidence in one *Duke Energy* case now falls due on the

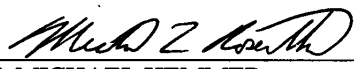
same date as the reply evidence in this case, and the reply evidence in the other *Duke Energy* case falls due one week later. UP uses the same consultants as the railroad parties in the *Duke Energy* cases, which will present difficulties with coordinating the filings in the three cases. These problems will be exacerbated by the difficulties in coordinating with UP's in-house counsel while she is in trial in Kansas City.

UP has discussed this request for modification with counsel for Northern States Power Company Minnesota. We are authorized to represent that they do not object to the proposed modification of the procedural schedule.

For the reasons stated above, the Board should grant this petition to modify the procedural schedule.

Respectfully submitted,

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August 13, 2002

CERTIFICATE OF SERVICE

I, Michael L. Rosenthal, certify that on this 13th day of August, 2002, I caused a copy of Union Pacific's Petition to Modify Procedural Schedule to be served by hand on John H. LeSeur of Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C., 20036.

A handwritten signature in cursive script, appearing to read "Michael L. Rosenthal", is written over a horizontal line.

Michael L. Rosenthal