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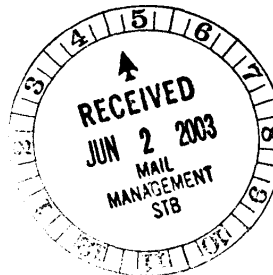
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207949

June 2, 2003

BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423-0001



Re: Docket No. 41185, Arizona Public Service Company
and PacifiCorp v. The Burlington Northern and Santa Fe
Railway Company

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding please find an original and ten copies of the Petition for Leave to Intervene and the Petition for Reconsideration of the Western Coal Traffic League, along with a check in the amount of \$150.00 to cover the requisite filing fee.

An additional copy of each filing is enclosed. Please indicate receipt and filing by time-stamping these copies and returning them to the bearer of this letter.

Sincerely,

William L. Slover

Enclosures

cc: Parties of Record

207949

BEFORE THE
SURFACE TRANSPORTATION BOARD

ARIZONA PUBLIC SERVICE COMPANY
and PACIFICORP

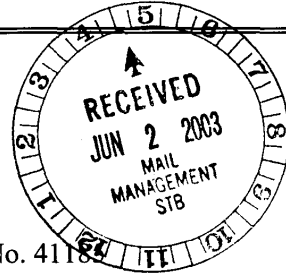
Complainants,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY,

Defendant.

Docket No. 41184



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**PETITION OF THE WESTERN COAL TRAFFIC
LEAGUE FOR LEAVE TO INTERVENE**

WESTERN COAL TRAFFIC LEAGUE

OF COUNSEL:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

Dated: June 2, 2003

By: William L. Slover
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Its Attorneys

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ARIZONA PUBLIC SERVICE COMPANY
and PACIFICORP

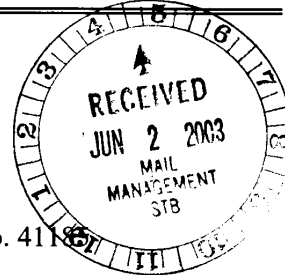
Complainants,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY,

Defendant.

Docket No. 41185



**PETITION OF THE WESTERN COAL TRAFFIC
LEAGUE FOR LEAVE TO INTERVENE**

Pursuant to 49 C.F.R. § 1112.4, the Western Coal Traffic League (“WCTL”) hereby petitions the Board for leave to intervene in the above-referenced proceeding for purposes of seeking reconsideration of two aspects of the Board’s decision served May 12, 2003 (“Decision”). WCTL’s intervention will not unduly disrupt this proceeding, and will not unduly broaden the issues raised. See 49 C.F.R. § 1112.4(a).

WCTL seeks reconsideration as to two issues arising from the Decision that have widespread applicability and are of substantial concern to western coal shippers generally. These issues are: (i) the Board’s decision to unnecessarily limit the scope of the issues in dispute on reopening (see Decision at 5-6); and (ii) the Board’s decision to lift its existing rate prescription on movements of coal from the McKinley mine to

Arizona Public Service Company's ("APS") Cholla Plant (id. at 6-7). If its petition to intervene is granted, WCTL requests the Board to accept and consider its accompanying petition for reconsideration of the Decision with respect to these two issues.

In support of its petition, WCTL respectfully states as follows:

1. Statement Regarding Petitioner's Interest
in the Proceeding (49 C.F.R. § 1112.4(b)(1))

WCTL is a voluntary association formed in 1976 whose regular membership is composed of shippers and receivers of coal mined west of the Mississippi River.¹ WCTL is the only association composed exclusively of those who ship, receive, and pay the applicable charges on high-volume movements of western coal. WCTL members ship in excess of 100 million tons of western origin coal annually.

A number of WCTL's members either currently are or previously have shipped coal pursuant to prescribed common carrier rates. Moreover, several of WCTL's members faces the possibility that they may be forced to seek rate prescriptions from the Board in the future. As such, WCTL has a direct interest in the Board's treatment of

¹ WCTL members include: Alliant Energy; Arizona Electric Power Cooperative, Inc.; Associated Electric Cooperative, Inc.; Center Point Energy; Central Louisiana Electric Company, Inc.; City of Austin, Texas; City Public Service Board of San Antonio; Kansas City Power & Light Company; Lower Colorado River Authority; MidAmerican Energy Company; Minnesota Power; Nebraska Public Power District; NRG Power Marketing Inc.; Omaha Public Power District; Texas Municipal Power Agency; Westar Energy; Wisconsin Public Service Corporation; and Xcel Energy.

prescribed rates on coal movements, and in its procedures regarding the reopening of maximum reasonable rate proceedings.

2. Statement as to Whether Petitioner Supports or Opposes the Relief Sought or the Action Proposed or is Otherwise Concerned with the Issues Presented in the Proceeding (49 C.F.R. § 1112.4(b)(2)) _____

As indicated in the accompanying petition for reconsideration, WCTL supports the position of APS that: (a) the Board should expand the scope of its reopening; and (b) the Board should restore its prior rate prescription during the pendency of reopening. WCTL understands that APS is filing its own petition for reconsideration of these issues.

3. Statement Regarding Petitioner's Request for Relief (49 C.F.R. § 1112.4(b)(3)) _____

As set forth in greater detail in its accompanying petition for reconsideration, WCTL requests that the Board reconsider and reverse its decision with respect to the two subject issues. In particular, WCTL requests that the Board: (i) find that on reopening, APS should be permitted to introduce updated evidence regarding any matter which might impact the prescribed rate; and (ii) restore the prescription of the current rate pending the Board's decision on reopening.

* * *

The Board routinely grants petitions to intervene in circumstances where, as here, the petitioner demonstrates that it has an interest in the proceeding and intervention

will not unduly broaden the issues. See, e.g., Finance Docket No. 34003, *The Burlington Northern and Santa Fe Ry. – Construction and Operation Exemption – Seadrift and Kamey, TX*, Decision served February 14, 2001; Finance Docket No. 33782, *Entergy Arkansas and Entergy Rail – Construction and Operation Exemption – White Bluff to Pine Bluff, AR*, Decision served June 30, 2000; Docket No. AB-33 (Sub-No. 118X), *Union Pacific R.R. – Abandonment Exemption – In El Paso County, CO*, Decision served June 23, 1998.

WHEREFORE, WCTL respectfully requests that the Board grant this petition to intervene and consider WCTL's accompanying petition for reconsideration.

Respectfully submitted,

WESTERN COAL TRAFFIC LEAGUE

OF COUNSEL:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

Dated: June 2, 2003

By: William L. Slover
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(202) 347-7170

Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2003, I caused copies of the foregoing
Petition for Leave to Intervene to be served by hand upon all parties of record in this
proceeding, as follows:

For Complainant: C. Michael Loftus
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