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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

PUBLIC SERVICE COMPANY OF COLORADO
D/B/A XCEL ENERGY

Complainant,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

Defendant.



Docket No. NOR 42057

ENTERED
Office of Proceedings
OCT 2 2002
Part of
Public Record

**UNOPPOSED MOTION FOR ESTABLISHMENT
OF PROCEDURAL SCHEDULE**

Complainant hereby informs the Board, with the approval and permission of Defendant, that the parties have conferred and have agreed to seek approval from the Board to establish the following procedural schedule to govern the completion of discovery and the submission of evidence in this proceeding:

Close of Discovery	October 25, 2002
Filing of Opening Evidence	January 10, 2003
Filing of Reply Evidence	April 4, 2003
Filing of Rebuttal Evidence	May 19, 2003 ¹

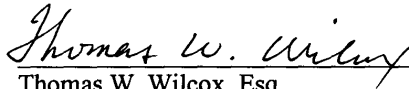
The date for the close of discovery coincides with the deadline for production of certain road investment and depreciation data established by the Board in its decision served in this case on September 25, 2002. The January 10, 2003 date for submitting opening evidence is necessary to (1) permit adequate time to analyze and process updated costing and other data from BNSF for

¹ In past filings in this case regarding scheduling, Defendant has stated that it reserves the right to request that the Board order briefs to be filed after the completion of the evidentiary record in accordance with the above schedule. Complainant reserves the right to oppose any such request.

the year 2001 and the first six months of 2002,² and to permit adequate time to incorporate this data into Complainant's case; (2) to accommodate the heavy involvement of Complainant's primary consultants in other pending formal complaint proceedings before the Board with filing dates in October and late November; and (3) to accommodate the schedules of both parties' personnel, counsel and outside consultants during the upcoming annual Holiday Season. In addition, the agreed-upon schedule reflects the previously expressed agreement by the parties³ to extend the time period allowed for submitting reply and rebuttal evidence established by 49 C.F.R. §1111.8 based on (1) Defendant's belief that the schedule established by the Board's rules would unduly burden Defendant's personnel (including consultants retained by Defendant) and internal resources due to the overlap of the schedule in this proceeding with the procedural schedules to be established for other coal rate reasonableness cases pending against Defendant; and (2) Complainant's desire for additional time between the reply and rebuttal phases of this proceeding.

In accordance with the parties' agreement, Complainant hereby requests approval of the revised procedural schedule.

Respectfully submitted,



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October 1, 2002

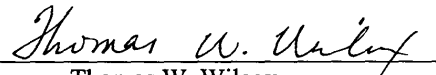
² Production of 2001 and 2002 data is presently ongoing, and would be completed by October 25, 2002 under this schedule.

³ See, Decision served in this proceeding on January 29, 2001 at 2.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October, 2002, I served a copy of the foregoing UNOPPOSED MOTION FOR ESTABLISHMENT OF PROCEDURAL SCHEDULE by Hand Delivery to counsel for Defendant at the following address:

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