

210496

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,

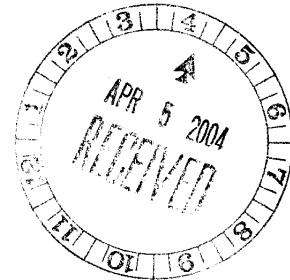
Defendant.

Docket No. 42057

ENTERED
Office of Proceedings

APR 05 2004

Part of
Public Record



PETITION FOR LEAVE TO FILE
ATTACHMENTS TO POST-ARGUMENT BRIEF

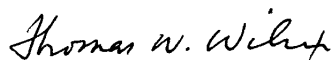
Complainant Public Service Company of Colorado, d/b/a Xcel Energy, pursuant to 49 C.F.R. § 1117.1, respectfully requests that the Board accept certain attachments to Xcel Energy's Post-Argument Brief, which is being filed with the Board today pursuant to the decision issued in this case on March 18, 2004 ("March 18 Decision").

In the March 18 Decision, the Board directed the parties to address three issues in their post-argument briefs, and it imposed a 25-page limit on such briefs. The narrative discussion of Xcel's brief is under the prescribed page limit. In order to be fully responsive to the Board's first and second requests for additional information, Xcel has attached to its brief (1) a one-page table supporting Xcel's discussion regarding the adjustments the Board should make to road property investment costs in the event it uses an operating plan that is predicated on a traffic group that is different in size from

the traffic group used by the Board; and (2) two sets of tables and two graphs that illustrate how the Board would implement the two alternatives to the RCAF-U and RCAF-A Xcel discusses in its brief, and a graphical illustration of the results of each analysis. None of the attachments contain additional narrative discussion or argument. This material will provide the Board with a more complete record on two of the issues for which is sought comments. BNSF is not prejudiced by the attachments because they are relatively straightforward, merely provide data that supports Xcel's narrative discussion, and BNSF has the right to reply to Xcel's brief.

Xcel is cognizant of the Board's desire for brevity in regards to the parties' post-argument briefs. Accordingly, out of an abundance of caution, Xcel respectfully asks for permission to include the attachments with its filing to the extent that such permission is required under these circumstances.

Respectfully submitted,



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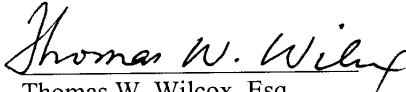
April 5, 2004

Certificate of Service

I hereby certify that on April 5, 2004, a copy of the foregoing Petition for Leave to File Attachments to Post-Argument Brief has been served by hand upon:

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