

204677

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ENTERED
Office of the Secretary

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Part of
Public Record

February 1, 2002

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VIA HAND DELIVERY

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



Re: STB Docket No. NOR 42059, *Northern States
Power Company Minnesota D/B/A Xcel Energy v.
Union Pacific Railroad Company*

Dear Secretary Williams:

The above-referenced case is a maximum rate case. The rates challenged by Northern States Power Company D/B/A Xcel Energy ("NSP") are set forth in Union Pacific Railroad Company ("UP") Tariff 4243. This Tariff was initially issued on January 10, 2001.

The purpose of this letter is to notify the Board that UP has unilaterally imposed significant and punitive rate increases to the challenged rates. These rate increases are set forth in a supplement to Tariff 4243. They became effective on February 1, 2002. A copy of the Tariff supplement is appended to this letter.

UP's unwarranted rate increases add over \$1,000,000 annually to the already excessive freight rate payments NSP (and its customers) are being forced to bear during the pendency of this case.

Mr. Vernon A. Williams
February 1, 2002
Page 2

NSP will address the legality of UP's rate increases in its evidentiary filings in this case.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John LeSeur".

John H. LeSeur
An Attorney for
Northern States Power Company
D/B/A Xcel Energy

JHL:cef

Enclosures

cc: Eric C. Bosset, Esq. (via hand delivery)
Louise A. Rinn, Esq. (via overnight delivery)

JAN 10 '02 16:59 FR UPRR ENERGY OMAHA

402 271 3378 TO 916123372284

P.01/06

FAX TRANSMISSION

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET

OMAHA, NE 68179

402-271-3189

FAX: 402-271-3378

To: Duane Richards
Bob Kermes

Date: January 10, 2002

Fax #: 303-308-7666
612-337-2284

Pages: 6

From: Dale W. Agan

Subject: Tariff

COMMENTS: Attached is Tariff 4243 -extends rates that were in effect last year through January 31, 2002 and new rates will take effect Feb. 1, 2002

JAN 10 '02 16:59 FR UPRR ENERGY OMAHA

402 271 3378 TO 916123372284

P.02/06

TARIFF UP - 4243 -

ITEM: 2.20 F

NO CHANGE

INDEX OF ALL ITEMS CONTAINED IN THIS PUBLICATION

AS THIS DOCUMENT IS REVISED, NUMBERED ITEMS WITH LETTER SUFFIXES CANCEL THE LAST ISSUED ITEM WITH THE SAME NUMBER. LETTER SUFFIXES WILL BE USED IN ALPHABETICAL SEQUENCE, STARTING WITH THE LETTER "A". FOR EXAMPLE, ITEM 1000A CANCELS ITEM 1000, AND ITEM 1500B CANCELS ITEM 1500A WHICH IN TURN CANCELLED ORIGINAL ITEM 1500.

TITLE						
1.90						
2.00						
2.10						
* 2.20 F						
3.00						
4.10						
4.20						
4.30						
15.00 A						
16.00 A						
17.00						
* 1000.00 E						
* 1100.00 D						

* NEW ITEM OR CHANGED ITEM IN THIS REVISION
C ITEM CANCELLED
E ITEM EXPIRED

ISSUED
JANUARY 10, 2002
EFFECTIVE
JANUARY 10, 2002

K.A. EYMANH
G.H. OSLER
PUBLICATION MANAGERS
UNION PACIFIC RAILROAD COMPANY
OMAHA, NEBRASKA 68179

PAGE 1
OF
ITEM: 2.20 F
CONCLUDED ON THIS PAGE

JAN 10 '02 16:59 FR UPRR ENF OMAHA 402 271 3378 TO 916123372284 P.03/06

SECTION TARIFF

UP - 4243

ITEM: 1000.00 E

CHANGE: REDUCTION

EXPIRES: DECEMBER 31, 2002

STCC	COMMODITY DESCRIPTION
1121290	BITUMINOUS COAL FOR FUEL OR STEAM PURPOSES

RATE APPLICATION

GENERAL:

Subject to the provisions of UP 4243 SERIES ITEM 0015-0017 .
Equipment ownership status must be shipper, owned or leased .
Rate applicable when loaded in open cars .
Equipment used is NOT subject to a mileage allowance .
Subject to a minimum tender of 11025 net tons per shipment . AND
Subject to a minimum tender of 1 train/c per shipment .
AND

Shipment must be made in equipment with an
AAR Car Type Code of E (Equipped Gondola) . OR
Shipment must be made in equipment with an
AAR Car Type Code of G (Gondola) . OR
Shipment must be made in equipment with an
AAR Car Type Code of H (Hopper) . OR
Shipment must be made in equipment with an
AAR Car Type Code of J (Gondola) . OR
Shipment must be made in equipment with an
AAR Car Type Code of K (Equipped Hopper) .

IN |
COLUMN DESCRIPTION

1 | Rates are in DOLLARS Per Net Ton and apply under these conditions:
| Minimum load is 105 Net Tons

TERRITORIAL APPLICATION AND RATES

PART 1 X01

FROM:

WY ANTELOPE MINE
WY BELLE AYE MINE
WY BLACK THUNDER MINE
WY CABALLO MINE
WY CABALLO ROJO MINE
WY CORDERO MINE
WY JACOBS RANCH MINE
WY N ANTELOPE MINE
WY NORTH ROCHELLE MINE
WY ROCHELLE MINE

TO: REF RTE COLUMN 1

MM BAYPORT	A01	11.20
MM BLACK DOG	A01	11.10
MM BURNSVILLE	A01	11.10

PART 2 X02

FROM:

WY ANTELOPE MINE
WY BELLE AYE MINE
WY BLACK THUNDER MINE
WY CABALLO MINE
WY CABALLO ROJO MINE
WY CORDERO MINE
WY JACOBS RANCH MINE
WY N ANTELOPE MINE
WY NORTH ROCHELLE MINE

ISSUED
JANUARY 10, 2002
EFFECTIVE
JANUARY 1, 2002

K.A. EYHANN
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OMAHA, NEBRASKA 68179

PAGE 1
FOR
ITEM: 1000.00 E
CONTINUED ON NEXT PAGE

JAN 10 '02 17:00 FR UPRR ENERGY OMAHA 402 271 3378 TO 916123372284 P.04/06

TARIFF
SECTION

UP - 4243

ITEM: 1000.00 E

CHANGE: REDUCTION

EXPIRES: DECEMBER 31, 2002

NY ROCHELLE MINE

TO: REF RTE COLUMN 1

NN	BAYPORT		A01	11.70
NN	BLACK DOG		A01	11.60
NN	BURNSVILLE		A01	11.60

SUBJECT TO THE FOLLOWING:

Minimum train size 110 railcars and maximum train size 115 cars.

SUBJECT TO THE FOLLOWING:

MAXIMUM LOAD PER CAR SHALL NOT EXCEED 265,000 POUNDS GROSS WEIGHT.

EXPLANATION OF REFERENCES

RATES APPLY AS FOLLOWS:

A01 - UP

X01 - EFFECTIVE : JANUARY 1, 2002

X02 - EFFECTIVE : FEBRUARY 1, 2002

EXPIRES: JANUARY 31, 2002

EXPIRES: DECEMBER 31, 2002

ISSUED

JANUARY 10, 2002

EFFECTIVE

JANUARY 1, 2002

K.A. EYHANN

G.H. OSLER

PUBLICATION MANAGERS

UNION PACIFIC RAILROAD COMPANY

OMAHA, NEBRASKA 68179

PAGE 2

FOR

ITEM: 1000.00 E

CONCLUDED ON THIS PAGE

JAN 10 '02 17:00 FR UPRR ENF OMAHA 402 271 3378 TO 9161237284 P.05/06

TARIFF
SECTION

UP - 4243

ITEM: 1100.00 D

CHARGE: REDUCTION

EXPIRES: DECEMBER 31, 2002

STCC	COMMODITY DESCRIPTION
1121290	BITUMINOUS COAL FOR FUEL OR STEAM PURPOSES

RATE APPLICATION

GENERAL:

Subject to the provisions of UP 4243 SERIES ITEM 0016-0017 .
Shipment must have a prior origin in the state/province of MT .
Rate applicable when loaded in open cars .
Equipment used is NOT subject to a mileage allowance .
Shipment must be made in equipment with an
AAR Car Type Code of E (Equipped Gondola) . OR
Shipment must be made in equipment with an
AAR Car Type Code of E (Gondola) . OR
Shipment must be made in equipment with an
AAR Car Type Code of H (Hopper) . OR
Shipment must be made in equipment with an
AAR Car Type Code of J (Gondola) . OR
Shipment must be made in equipment with an
AAR Car Type Code of K (Equipped Hopper) .

IN |
COLUMN| DESCRIPTION

- 1 | Rates are in DOLLARS Per Net Ton and apply under these conditions:
| Minimum load is 105 Net Tons
- 2 | Rates are in DOLLARS Per Net Ton and apply under these conditions:
| Minimum load is 97 Net Tons

TERRITORIAL APPLICATION AND RATES

PART 1 X01

TO:
MN DAYPORT

FROM:	REF	RTE	COLUMN 1	COLUMN 2
MN MINNEAPOLIS	a	A01	2.00	
MN MINNEAPOLIS	b	A01	-	2.10
MN ST PAUL	a	A01	2.00	
MN ST PAUL	b	A01	-	2.10

PART 2 X02

TO:
MN DAYPORT

FROM:	REF	RTE	COLUMN 1	COLUMN 2
MN MINNEAPOLIS	a	A01	1.90	
MN MINNEAPOLIS	c	A01	-	2.00
MN ST PAUL	a	A01	1.90	
MN ST PAUL	c	A01	-	2.00

SUBJECT TO THE FOLLOWING:

Subject to a maximum overall aggregate tender of 375,000 tons.

SUBJECT TO THE FOLLOWING:

ISSUED
JANUARY 10, 2002
EFFECTIVE
JANUARY 1, 2002

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OMAHA, NEBRASKA 68179

PAGE 1
FOR
ITEM: 1100.00 D
CONTINUED ON NEXT PAGE

JAN 10 '02 17:00 FR UPRR ENERGY OMAHA 402 271 3378 TO 916123372284 P.06/06

TARIFF
SECTION - UP - 4243 ITEM: 1100.00 D

CHANGE: REDUCTION

EXPIRES: DECEMBER 31, 2002

Minimum train size of 105 railcars and maximum of 115 railcars.

SUBJECT TO THE FOLLOWING:

Rates are proportional and must be used in combination with other rates on traffic that originates at BNSF points in the state of Montana.

SUBJECT TO THE FOLLOWING:

Maximum load per car shall not exceed 266,000 pound gross weight.

EXPLANATION OF REFERENCES

RATES APPLY AS FOLLOWS:

- a | Equipment ownership status must be shipper owned or leased.
- b | Equipment ownership status must be railroad owned or leased.
- c | Equipment used is owned or controlled by BNSF railroad.

A01 - UP

X01 - EFFECTIVE : FEBRUARY 1, 2002

EXPIRES: DECEMBER 31, 2002

X02 - EFFECTIVE : JANUARY 1, 2002

EXPIRES: JANUARY 31, 2002

ISSUED
JANUARY 10, 2002
EFFECTIVE
JANUARY 1, 2002

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PAGE 2
FOR
ITEM: 1100.00 D
CONCLUDED ON THIS PAGE