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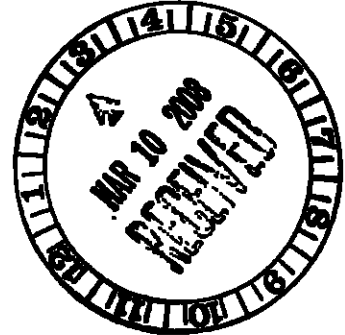
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The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

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Re. Docket No. 42088, Western Fuels Association, Inc. and Basin
Electric Power Cooperative, Inc. v. BNSF Railway Co.

Dear Acting Secretary Quinlan.

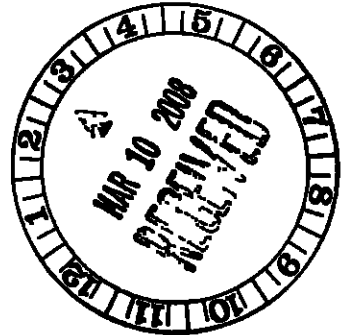
On March 3, 2008, Complainants Western Fuels Association, Inc. and Basin Electric Power Cooperative, Inc. ("WFA/Basin") filed a Petition for Clarification ("Petition"). The Board issued a decision on March 5, 2008 directing BNSF Railway Co. ("BNSF") to respond to WFA/Basin's Petition ("March 5 Decision"). BNSF filed its Reply to this Petition on March 7, 2008 ("Reply"). WFA/Basin request that the Board accept and consider this letter as a reply to BNSF's Reply. Acceptance of this letter will provide the Board with a complete record.

WFA/Basin's Petition asks the Board to clarify that its decision served in this proceeding on February 29, 2008 does not preclude the parties from utilizing publicly or commercially available information not currently in the administrative record to support a reconfigured stand-alone railroad ("SARR"). WFA/Basin stated that this source data would be limited to data "routinely utilized by complainant shippers in configuring SARRs." (Petition at 8). WFA/Basin also provided several examples of the types of data they may need to utilize. (*Id.* at 8-9).

BNSF states its in its Reply that it does not generally "oppose[]" the relief requested in WFA/Basin's Petition provided the Board "limit[s] the use of non-record data to data identified in footnote 2" of the Board's March 5 Decision. (Reply at 3) Footnote 2 states:

The Honorable Anne K. Quinlan
March 10, 2008
Page 2

WFA requests the use of publicly or commercially available data to develop a modified Stand Alone Cost presentation to address the Average Total Cost methodology. These data include: land value data; ICC Engineering Report data; geodetic map data, mileage data, R.S. Means Manual data; and new field observation evidence not currently in the record.



Id. at 1 (emphasis added).

Footnote 2 references some of the examples WFA/Basin cited of publicly or commercially available data routinely utilized by complainant shippers in configuring SARR's. Given the thousands of individual Stand-Alone Cost computations, and the fact that WFA/Basin have not yet undertaken detailed modeling of a reconfigured SARR, it is not possible for WFA/Basin to provide a complete list of all such data examples at this time.

If the Board enters an order clarifying its March 5 Decision to permit the parties to present "publicly or commercially available data to develop a modified Stand Alone Cost presentation to address the Average Total Cost Methodology" (id. at 1 n 2), WFA/Basin agree with BNSF that the technical conference currently scheduled for March 14, 2008 can be cancelled. Also, as requested in WFA/Basin's Petition, WFA/Basin respectfully request that the procedural schedule for submission of supplemental evidence be extended to account for the clarification period. (Id. at 13 n.6).

Respectfully submitted,


John H. LeSeur
An Attorney for Complainants

cc: Counsel for Defendant BNSF Railway Co.