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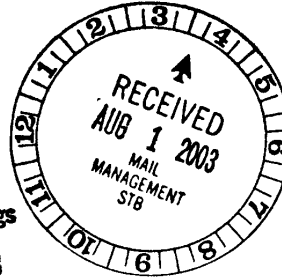
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August 1, 2003



ENTERED
Office of Proceedings

AUG 01 2003

Part of
Public Record

VIA HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
Case Control Unit
1925 K Street, N.W.
Washington, D.C. 20423

Re: Docket No. 42059, *Northern States Power Company Minnesota*
D/B/A Xcel Energy v. Union Pacific Railroad Company

Dear Secretary Williams:

Enclosed please find an executed original and ten copies of the Motion for Dismissal of Complaint with Prejudice for filing in the above-referenced matter.

We have enclosed an additional copy of this filing to be time-stamped and returned to the bearer of this letter. Thank you for your attention to this matter.

Respectfully submitted,

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

JHL:cef
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

NORTHERN STATES POWER COMPANY
MINNESOTA D/B/A XCEL ENERGY

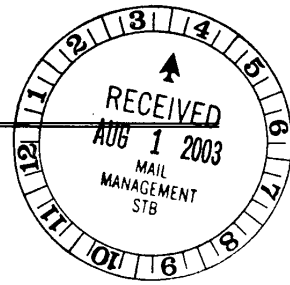
Complainant,

v.

UNION PACIFIC RAILROAD COMPANY

Defendant.

Docket No. 42059
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Office of Proceedings
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**MOTION FOR DISMISSAL
OF COMPLAINT WITH PREJUDICE**

Complainant Northern States Power Company Minnesota D/B/A Xcel Energy ("NSP") has reached a voluntary settlement with Defendant Union Pacific Railroad Company of the matters at issue in this complaint proceeding. Accordingly, NSP hereby withdraws its complaint with prejudice, and requests that the Board enter an order dismissing the complaint with prejudice and discontinuing this proceeding.

Respectfully submitted,

NORTHERN STATES POWER COMPANY
MINNESOTA D/B/A XCEL ENERGY

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Dated: August 1, 2003

Attorneys for Complainant

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2003, I have served a copy of the foregoing Motion for Dismissal of Complaint with Prejudice, by hand upon:

Carolyn F. Corwin, Esq.
Michael L. Rosenthal, Esq.
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401

and by Federal Express to:

J. Michael Hemmer
Louise A Rinn
Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68179
(402) 271-3309



John H. LeSeur