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STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

Anthony J. LaRocca
202.429.8119
alarocca@steptoe.com

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1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com

February 6, 2004



Via HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Re: **STB Docket No. 42057, Public Service Company of Colorado d/b/a Xcel
Energy v. The Burlington Northern and Santa Fe Railway Company**

Dear Secretary Williams:

Enclosed for filing in the above-captioned matter are the original and ten copies of a Verified Statement of David R. Wheeler submitted on behalf of The Burlington Northern and Santa Fe Railway Company ("BNSF"). On January 14, 2004, BNSF provided the Board with a laptop computer containing the Rail Traffic Controller Model and program files used by Mr. Wheeler in preparing BNSF's reply evidence. In a letter dated January 21, 2004, counsel for complainant requested that BNSF certify that the files contained on the laptop are identical to the files that BNSF previously made available to complainant in this proceeding and that the laptop contains no new evidence. The attached Verified Statement provides the requested certification.

Please date stamp the extra copy of the referenced pleading and return it with our messenger. If you have any questions regarding this matter, please contact the undersigned.

Sincerely,

Anthony J. LaRocca

Enclosures

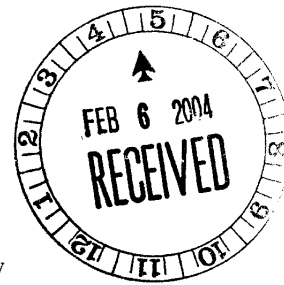
cc: David M. Konschnik, Director, Office of Proceedings
Counsel for Complainant

STB Docket No. 42057

Public Service Company of Colorado d/b/a Xcel Energy

v.

The Burlington Northern and Santa Fe Railway Company



Verified Statement

of

David R. Wheeler

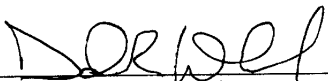
My name is David R. Wheeler. I am the President of Rail Network Analytics, located at 9222 Nottingham Way, Mason, OH 45040. I previously submitted testimony in this proceeding in support of the Reply Evidence and Argument of Defendant The Burlington Northern and Santa Fe Railway Company ("BNSF"), filed April 4, 2003. Among other things, my testimony related to the Rail Traffic Controller Model ("RTC Model"), which I used to assess the reasonableness of assumptions made by the complainant, Public Service Company of Colorado d/b/a Xcel Energy ("Xcel"), on the capacity and operations of the hypothetical stand-alone railroad that is the subject of Xcel's stand-alone cost evidence in this proceeding.

In April of 2003, BNSF provided Xcel with a laptop computer containing the RTC Model and the program files that I used to carry out my evaluation of Xcel's stand-alone cost evidence. I prepared that computer for use by Xcel. I installed the RTC Model on the laptop and downloaded onto the laptop the same program files that I submitted as electronic workpapers in support of BNSF's reply evidence. Xcel returned that laptop to BNSF's counsel after final briefs

were submitted. BNSF recently provided that laptop to the Board so that the Board could evaluate BNSF's evidence in this proceeding. I reviewed that laptop computer and the files contained on it before the computer was provided to the Board and I hereby certify that the laptop computer submitted to the Board contains the identical files that were contained on the laptop computer that BNSF provided to Xcel. I further certify that the laptop computer provided to the Board does not contain any new evidence or information.

I declare under penalty of perjury that I have read the above Verified Statement and that the contents thereof are true and correct.

Executed on January 29, 2004



David R. Wheeler