

SERVICE DATE – LATE RELEASE MAY 4, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35021

UNION PACIFIC RAILROAD COMPANY—PETITION FOR DECLARATORY ORDER

Decided: May 4, 2007

By a petition for declaratory order filed on April 26, 2007, Union Pacific Railroad Company (UP) asks the Board to issue an order declaring that the Board's Rail Fuel Surcharges decision,¹ requiring railroads to change their practice of computing rail fuel surcharges for their common carriage rates as a percentage of the base rate, applies to traffic presently moving under Option 2 of UP's Circular 111.²

On May 4, 2007, Ameren Energy Fuels and Services Company (Ameren) filed a letter requesting that the Board state that responses to UP's petition would be due no sooner than May 16, 2007, which is 20 days after the petition was filed. Ameren states that UP's petition raises important and multifaceted issues and that interested parties, such as Ameren, should be allotted an appropriate amount of time to comment.

In light of the Board's April 26, 2007 deadline for compliance with the decision in Rail Fuel Surcharges, expedited action on UP's petition is appropriate. Therefore, any replies to that petition will be due no later than by 5:00 p.m. on Tuesday, May 8, 2007.

It is ordered:

1. Replies to UP's petition are due by 5:00 p.m. on May 8, 2007.

¹ Rail Fuel Surcharges, STB Ex Parte No. 661 (STB served Jan. 26, 2007) (Rail Fuel Surcharges).

² UP Circular 111, "Unit Train Coal Common Carrier Circular Applying On: Unit Coal Trains from the Powder River Basin of Wyoming," contains two classes of rates for customers. One class, referred to as Option 1, contains a higher rate, but no volume requirement. The second class, referred to as Option 2, contains a lower rate and commitments from both parties for term, volume, rates, and service.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary