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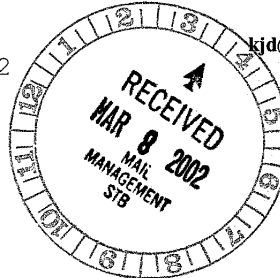
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March 8, 2002



BY HAND

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

Re: Docket No. 42056, Texas Municipal Power Agency v.
The Burlington Northern and Santa Fe Railway Company

Dear Secretary Williams:

Enclosed for filing in the captioned proceeding are an original and eleven (11) copies of the Petition for Order Directing Simultaneous Briefs of Complainant, Texas Municipal Power Agency.

Also enclosed is a CD-ROM disk containing an electronic copy of the submission.

Kindly date-stamp the extra copy of this letter and the filing, and return the same to our messenger as confirmation of receipt and filing.

Sincerely,

ENTERED
Office of the Secretary

MAR 11 2002

Part of
Public Record

Kelvin J. Dowd
An Attorney for
Texas Municipal Power Agency

KJD:lma

Enclosures

cc: Anthony J. LaRocca, Esq. (counsel for Defendant)

EXPEDITED CONSIDERATION REQUESTED

BEFORE THE
SURFACE TRANSPORTATION BOARD

TEXAS MUNICIPAL POWER AGENCY,

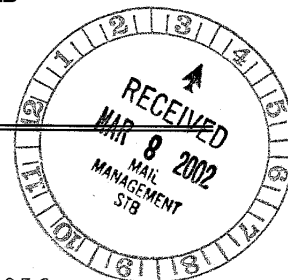
Complainant,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY,

Defendant.

Docket No. 42056



**PETITION FOR ORDER
DIRECTING SIMULTANEOUS BRIEFS**

Complainant, Texas Municipal Power Agency ("TMPA"), pursuant to 49 C.F.R. Part 1117.1, respectfully requests that the Board direct the parties to file simultaneous closing briefs, not exceeding twenty-five (25) pages in length with no attachments, exhibits or new evidence, within thirty (30) days of the service date of the Board's order. Because the Board does not consider the administrative record to be closed for purposes of 49 U.S.C. § 10704(c)(1) until briefs are filed,¹ in order to avoid further delay in the resolution of this case (which has been pending for over 16 months) TMPA requests that the Board consider this Petition on an expedited basis.

ENTERED
Office of the Secretary
MAR 11 2002
Part of
Public Record

¹ See e.g., Docket No. 42051, Wisconsin Power & Light Co. v. Union Pacific Railroad Company, Decision served September 13, 2001.

TPMA believes that the new evidentiary format rules adopted in Ex Parte No. 347 (Sub-No. 3), General Procedures for Presenting Evidence in Stand-Alone Cost Rate Cases, Decision served March 12, 2001, should allow the Board to more easily compare and evaluate the parties' competing presentations in this case, and obviate the need for summary briefs. However, TPMA recognizes that "the Board has generally found that briefs, properly employed, can focus the issues and thereby contribute to greater efficiency in analyzing the record." Docket No. 42054, PPL Montana, LLC v. The Burlington Northern and Santa Fe Railway Company, Decision served December 12, 2001. Rail carrier defendants in coal rate proceedings typically request briefs, and such requests typically are granted.²

Throughout this proceeding Defendant, The Burlington Northern and Santa Fe Railway Company ("BNSF") has indicated that it intends to seek a round of closing briefs. However, TPMA has attempted without success to engage BNSF in a dialogue respecting the scheduling of briefs, which raises the concern that BNSF may delay its request,³ and in turn delay the Board's response, the filing of briefs, and ultimately the service of a final decision on the merits. TPMA is submitting this Petition so that if the Board is disposed to order briefs in this case, it may do so

² PPL Montana, supra; Wisconsin, supra, Decision served November 15, 2000.

³ TPMA and BNSF each submitted their Rebuttal Evidence on February 25, 2002.

promptly and place a temporal limit on TMPA's subjection to the unreasonable rates here under challenge.

The briefing order that TMPA requests is identical to those entered by the Board in Wisconsin and PPL Montana, and is more than adequate to enable the parties to competently summarize the issues and evidence submitted in this proceeding.

WHEREFORE, based on the foregoing, TMPA requests that the Board order the filing of simultaneous closing briefs, limited to 25 pages in length with no attachments, exhibits or new evidence permitted, within 30 days of service of the Board's order. TMPA further requests that the Board serve such an order as expeditiously as possible.

In the alternative, TMPA requests that the Board affirm that briefs will not be ordered, and that the administrative record is deemed closed as of February 25, 2002. For the reasons stated above, this is TMPA's preferred relief.

Respectfully Submitted,

TEXAS MUNICIPAL POWER AGENCY

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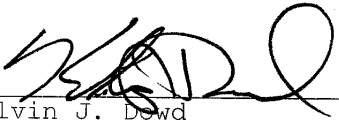
Dated: March 8, 2002

Attorneys for Complainant

Certificate of Service

I hereby certify that on March 8, 2002, I caused three
(3) copies of the foregoing Petition for Order Directing
Simultaneous Briefs to be served by hand upon:

Samuel M. Sipe, Jr.
Anthony J. LaRocca
Steptoe & Johnson
1330 Connecticut Ave., N.W.
Washington, D.C. 20036



Kelvin J. Dowd