

SURFACE TRANSPORTATION BOARD DIRECTS BN TO PAY OVER \$11.4 MILLION IN DAMAGES TO UTILITY COMPANY

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has directed Burlington Northern Railroad Company (BN) to pay over \$11.4 million in damages to West Texas Utilities Company (WTU).

In a decision issued in 1996, the Board found that the rates that BN charged WTU for its coal shipments between a mine in Wyoming and a generating station in Texas were unreasonably high. It ordered BN to reduce the rates and to pay reparations (the difference between the rates actually charged and the rates that the Board determined were the maximum reasonable rates). BN sought judicial review, but the Board's decision was affirmed in court. After the court affirmance, the parties calculated the amount of damages due, and the Board directed BN to pay WTU the reparations.

The Board's decision finding BN's rate unreasonable was issued in *West Texas Util. Co. V. Burlington Northern R.R.*, No. 41191, 1996 WL 223724 (S.T.B. April 25, 1996). See STB Release No. 96-25, May 1, 1996. The court's decision affirming the Board's order was issued in *Burlington Northern Railroad Company v. Surface Transportation Board*, No. 96-1229 (D.C. Cir. May 23, 1997). See STB Release No. 97-41, May 28, 1997. The Board's decision directing BN to pay reparations was issued in *West Texas Util. Co. V. Burlington Northern R.R.*, No. 41191 (STB Oct. 24, 1997).[STOP]

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