

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF BNSF RAILWAY)
COMPANY'S INTENT TO ABANDON 2.12) CASE NO. BNR-R-06-1
MILES OF RAILROAD LINE IN COEUR)
D'ALENE, IDAHO) NOTICE OF INTENT TO
) ABANDON
)
) NOTICE OF INTERVENTION
) DEADLINE**

The Public Utilities Commission has recently learned that BNSF Railway Company intends to file an application with the Surface Transportation Board (STB) to abandon 2.12 miles of railroad right-of-way in Coeur d'Alene, Idaho. The STB is the entity of the U.S. Department of Transportation authorized to grant or deny rail line abandonments. The rail line in question once served the Potlatch Mill location that is now The Coeur d'Alene Golf Resort.

NOTICE OF INTENT TO ABANDON

YOU ARE HEREBY NOTIFIED that BNSF indicates that it will file a petition seeking an abandonment "exemption" with the STB. To be eligible to file a petition for exemption, a railroad must usually certify that no rail traffic has moved on the line for the past two years and there are no outstanding complaints about the lack of rail service. Under the exemption procedure, the STB will publish a notice in the Federal Register within 20 days after the petition for exemption is filed. Thirty (30) days after the notice is published in the Federal Register, the railroad is permitted to abandon the rail line unless the STB stays the abandonment.

YOU ARE FURTHER NOTIFIED that the rail line and right-of-way in question run between milepost (MP) 12.33 and MP 14.45 within the city limits of Coeur d'Alene. The section of right-of-way being proposed for abandonment generally runs from the Coeur d'Alene City Park adjacent to Northwest Boulevard, across the front of The Coeur d'Alene Resort, down East Front Avenue, follows East Mullan Avenue, and terminates at The Coeur d'Alene Golf Resort. The Commission Staff's initial information about the affected right-of-way indicates that the majority of the track was removed in the 1980s. Consequently, there are no shippers on the line. A map of the rail section to be abandoned is attached.

YOU ARE FURTHER NOTIFIED that the abandonment of rail lines and the discontinuance of rail service are governed by federal law. As this Commission has stated many times, the authority to grant or deny the abandonment of a rail line rests with the STB. *Idaho Code* § 62-424 requires the Public Utilities Commission to schedule a hearing on the proposed abandonment. The purpose of the hearing is for the Commission to determine whether the abandonment would: (1) adversely affect the area being served; (2) impair the access of Idaho shippers to vital goods and markets; and (3) whether the rail line has potential for profitability. If the Commission finds that the abandonment would be adverse to the public interest, then it may represent the State of Idaho in the STB abandonment proceeding.

NOTICE OF INTERVENTION DEADLINE

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this matter for the purpose of presenting evidence must file a Petition to Intervene with the Commission pursuant to this Commission's Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -073. Persons intending to intervene must file a Petition to Intervene **on or before April 26, 2006**. Persons seeking intervenor status shall also provide the Commission Secretary with their electronic mail address to facilitate further communications in this matter.

YOU ARE FURTHER NOTIFIED that persons desiring to present their views without parties' rights of participation and cross-examination are not required to intervene and may present their comments without prior notification to the Commission or the parties.

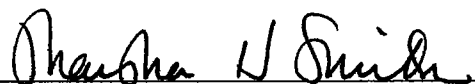
YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Titles 61 and 62 of the Idaho Code and specifically *Idaho Code* § 62-424.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

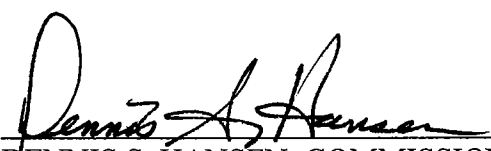
DATE at Boise, Idaho this 13th day of April 2006.



PAUL KJELLANDER, PRESIDENT

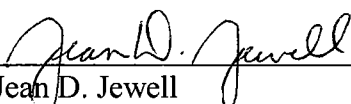


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

bls/N:BNR-R-06-01_dh

COEUR D' ALENE, IDAHO TRACKAGE

COEUR D' ALENE

MILEPOST 12.33

MILEPOST 14.45

NORTH

LINE SEGMENTS 375, 381 AND 382

