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SERVICE DATE – LATE RELEASE FEBRUARY 1, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35071

CODORUS CREEK RAILWAY COMPANY—FEEDER LINE APPLICATION—  
STEWARTSTOWN RAILROAD COMPANY

Decided: February 1, 2010

By motion filed on January 26, 2010, John Frantz (Frantz) filed a motion for protective order on behalf of the Codorus Creek Railway Company (CCR). Frantz asks the Board to grant his protective order to shield highly confidential material that will be filed as part of a feeder line application.

Under the Board's regulations, CCR's filing must be prepared and signed either (1) by an attorney, see 49 CFR 1103.2; or (2) by a registered non-attorney practitioner who has successfully completed the practitioner's examination, see 49 CFR 1103.3. Frantz has not shown that he is either an attorney or a licensed practitioner. Accordingly, it is not clear whether Frantz can represent CCR in this proceeding. Frantz must show cause as to why he can represent CCR.

Until this issue is resolved, the Board will not adjudicate the motion for a protective order or any other filings made by Frantz on behalf of CCR. Frantz must respond on or before February 10, 2010. In the event that the issue raised here is not timely addressed, the proceeding will be dismissed.

It is ordered:

1. Frantz must respond to the issue identified in this decision on or before February 10, 2010. In the event that the issue raised here is not timely addressed, the proceeding will be dismissed.
2. The proceeding will be held in abeyance pending Frantz's response and further decision of the Board.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.