

41573
DO

SERVICE DATE – APRIL 29, 2011

SURFACE TRANSPORTATION BOARD

Docket No. NOR 42126

UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI AND MISSOURI CENTRAL
RAILROAD COMPANY v. UNION PACIFIC RAILROAD COMPANY

Docket No. FD 33508

MISSOURI CENTRAL RAILROAD COMPANY
–ACQUISITION AND OPERATION EXEMPTION–
LINES OF UNION PACIFIC RAILROAD COMPANY

Docket No. FD 33537

GRC HOLDINGS CORPORATION
–ACQUISITION EXEMPTION–
LINES OF UNION PACIFIC RAILROAD COMPANY

Decided: April 28, 2011

By petition submitted on April 18, 2011, Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) and the Missouri Central Railroad Company (MCRR) (collectively, Ameren/MCRR) request that the Board waive the obligation for service of its filings in this proceeding on the entire service lists for Docket Nos. FD 33508 and FD 33537, and that to the extent service is deemed necessary by the Board, Ameren/MCRR need only serve the parties of record who are not residents of the Kansas City, Missouri area.

According to Ameren/MCRR, the service list for Docket No. FD 33508 has 780 entries, while the service list for Docket No. FD 33537 has 548 entries. Ameren/MCRR state that both service lists are 12 years old and are almost entirely composed of residents of Lee's Summit, Missouri and other areas in and around Kansas City. Ameren/MCRR explain that these residents' previously stated objections focused on their concerns over the resumption of rail service over the 24.8-mile western end of the line, between Pleasant Hill and Leeds Junction, Missouri, over which MCRR would operate pursuant to trackage rights granted by Union Pacific Railroad Company (UP), and that those concerns have already been rejected by the Board. Ameren/MCRR contend that those concerns are not implicated by the challenge of the lawfulness of the interchange commitment regarding service to its Labadie electric generating facility located some 200 miles to the east.

Ameren/MCRR further state that they inadvertently failed to serve their November 22, 2010 complaint or any other recent filings on any portion of the service lists from Docket Nos. FD 33508 and FD 33537, other than upon counsel for UP. Ameren/MCRR claim that service on the entire combined list from both dockets would serve little purpose other than consuming scarce litigation resources.

The Board will grant Ameren/MCRR's motion to waive service requirements, to the extent of limiting the service list in this proceeding to parties listed on the service list in Docket No. NOR 42126. The Board believes that service on other parties of record in Docket Nos. FD 33508 and FD 33537 is not required because the relief requested by Ameren/MCRR would not, if it were granted, be likely to affect the other prior participants. The Board, however, is serving this decision on the entire service list in Docket Nos. FD 33508 and FD 33537 to give all prior parties notice of this filing. If other parties wish to participate in this matter, they may file a petition to intervene pursuant to the Board's rules at 49 C.F.R. § 1112.4.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Ameren/MCRR's motion to waive service requirements is granted to the extent of limiting the service list in this proceeding to the parties listed on the service list in Docket No. NOR 42126.
2. This decision will be served on all prior parties of record in Docket Nos. FD 33508 and FD 33537.
3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.