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SEC

SERVICE DATE - LATE RELEASE MAY 10, 2000

SURFACE TRANSPORTATION BOARD

STB Ex Parte No. 582 (Sub-No. 1)

MAJOR RAIL CONSOLIDATION PROCEDURES

Decided: May 10, 2000

NOTICE TO THE PARTIES:

On April 28, 2000, a Notice to the Parties was served in this proceeding. A service list was attached to the Notice as Appendix A, listing persons as Party of Record or Member of Congress. Attached as Appendix B was a list of persons individually designated as a Non-Party who are not official Parties of Record but who will receive copies of Board decisions, orders, and notices. The Notice directed that corrections to the service list be filed with the Board by May 4, 2000.

The Board received several additions and corrections to the service list, and these additions/corrections are noted in the attached Appendix.

Late-filed letter clarifying previous notice of intent to participate. On April 28, 2000, the Board received a letter from Wayne Hammon, Director of Government Relations, National Association of Wheat Growers, clarifying and amending his previous letter sent on April 18, 2000. Mr. Hammon requests that the following organizations be allowed to participate in this proceeding as individual parties of record: Colorado Association of Wheat Growers; Idaho Grain Producers Association; Montana Grain Growers Association; National Association of Wheat Growers; Nebraska Wheat Growers Association; Oregon Wheat Growers League; South Dakota Wheat, Inc.; and Washington Association of Wheat Growers. Mr. Hammon's request is granted and his name will be added to the service list as a Party of Record representing these organizations. Mr. Hammon was previously shown as a Non-Party in Appendix B attached to the April 28, 2000 Notice, and his name, therefore, will be removed from the Non-Party list.

Petition for leave to file a notice of intent to participate out of time. On May 2, 2000, the Board received a petition for leave to file a notice of intent to participate out of time from Bruce W. Neely, counsel for Enron Corporation (Enron). Mr. Neely states that, due to a clerical error, Enron's notice of intent to participate was not filed with the Board by April 20, 2000, and the error was not discovered until the Board issued the service list on April 28, 2000. Because no party will be prejudiced by the late filing of Enron's notice of intent to participate, the petition is granted and Mr. Neely will be added to the service list as a Party of Record representing Enron. The Board also received a letter from Mr. Neely on May 2, 2000, requesting that a correction be made to the service list to show that Michael F. McBride will now be the counsel representing Edison Electric Institute (EEI), instead of Mr. Neely. The service list will be corrected to show Mr. McBride as a Party of Record representing EEI.

Late-filed notices of intent to participate. The Board has received late-filed notices of intent to participate in this proceeding from several parties, including: (1) Jon H. Mielke, Executive Secretary, North Dakota Public Service Commission; (2) Jim Peterson, Marketing Director, North Dakota Wheat Commission; (3) Alice C. Saylor, Vice President & General Counsel, American Short Line and Regional Railroad Association; (4) Patrick J. Whalen, President, Fulfillment Systems Int'l.; and (5) Richard V. Willmarth, Traffic Manager, GROWMARK, Inc. Because no party will be prejudiced by the late filing of these notices of intent to participate, the Board accepts the late-filed notices and the names will be added to the service list as Parties of Record representing the specific entities noted above.

Requests for leave to late-file a notice of intent to participate. The Board has received requests for leave to late-file a notice of intent to participate in this proceeding from the following persons: (1) Rose-Michele Weinryb, notifying the Board that I&M Rail Link, LLC (I&M), Montana Rail Link, Inc. (MRL), and Southern Railway of British Columbia Limited (SRY) intend to participate separately in this proceeding, and that, for purposes of administrative efficiency, Jo A. DeRoche of the law firm Weiner, Brodsky, Sidman & Kider, P.C., will receive materials in this proceeding on behalf of all three of these entities; and (2) Eric W. Tibbetts, Manager, Rail Center, Chevron Chemical Company LLC (CCC). Because no party will be prejudiced by the granting of these requests for leave to late-file a notice of intent to participate, the Board grants the requests. Ms. DeRoche's name will be added to the service list as a Party of Record representing I&M, MRL, and SRY. Mr. Tibbetts' name will be added to the service list as a Party of Record representing CCC.

The final service list incorporates the additions, deletions, and revisions shown in the Appendix attached to this Notice. All future filings must each have a certificate of service indicating that all Parties of Record have been properly served with a copy of the filing. Parties are reminded that, in addition to submitting an original and 25 paper copies of each document filed with the Board, parties are also requested to submit, on 3.5-inch IBM-compatible floppy diskettes (in, or convertible by and into, WordPerfect 7.0 format), an electronic copy of each such paper document. (See Major Rail Consolidation Procedures, STB Ex Parte No. 582 (Sub-No. 1 (STB served Mar. 31, 2000)), and published April 6, 2000, in the Federal Register at 65 FR 18021-26).

Vernon A. Williams
Secretary

APPENDIX

THE FOLLOWING NAMES SHOULD BE ADDED TO THE SERVICE LIST AS
PARTIES OF RECORD:

PARTY OF RECORD

E. Thomas Coleman
VP Government Relations
BASF Corporation
601 13th Street, N.W.
Washington, DC 20005

Represents: BASF Corporation

PARTY OF RECORD

Jo A. DeRoche
Weiner, Brodsky, Sidman & Kider, P.C.
1300 19th Street, N.W., Fifth Floor
Washington, DC 20036-1609

Represents: I&M Rail Link, LLC
Montana Rail Link, Inc.
Southern Railway of British Columbia Limited

PARTY OF RECORD

Stephen Ferree
Westvaco Corporate Center
1011 Boulder Springs Drive
Richmond, VA 23225

Represents: Westvaco

PARTY OF RECORD

Wayne Hammon
Director of Government Relations
National Association of Wheat Growers
415 Second Street, N.E., Suite 300
Washington, DC 20002

Represents: Colorado Association of Wheat Growers
Idaho Grain Producers Association
Montana Grain Growers Association
National Association of Wheat Growers
Nebraska Wheat Growers Association
Oregon Wheat Growers League
South Dakota Wheat, Inc.
Washington Association of Wheat Growers

PARTY OF RECORD

Charles King, President
Snively, King, Majoros, O'Connor & Lee
1220 L Street, N.W.
Washington, DC 20005

Represents: BOC Gases
Celanese Chemicals
Enterprise Products
Enterprise Private Lines and Storage
Equistar Chemicals, LP
Lyondell Chemicals
Occidental Chemical
OxyVinyls, LP
Williams Energy Services

PARTY OF RECORD

Michael F. McBride
LeBoeuf, Lamb, Greene & MacRae
1875 Connecticut Avenue, N.W., Suite 1200
Washington, DC 20009-5728

Represents: Edison Electric Institute

PARTY OF RECORD

Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Ave. — Dept. 408
Bismarck, ND 58505-0480

Represents: North Dakota Public Service Commission

PARTY OF RECORD

Bruce W. Neely
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
1875 Connecticut Avenue, N.W.
Washington, DC 20009-5728

Represents: Enron Corporation

PARTY OF RECORD

Jim Peterson, Marketing Director
North Dakota Wheat Commission
4023 State Street
Bismarck, ND 58501-0690

Represents: North Dakota Wheat Commission

PARTY OF RECORD

Alice C. Saylor
Vice President & General Counsel
American Short Line and Regional Railroad Association
1120 G Street, N.W., Suite 520
Washington, DC 20005-3889

Represents: American Short Line and Regional Railroad Association

PARTY OF RECORD

Thomas A. Schmitz, President
TAS Consulting, Inc.
P.O. Box 71066
Chevy Chase, MD 20813-1066

Represents: TAS Consulting, Inc.

PARTY OF RECORD

Eric W. Tibbetts
Manager, Rail Center
Chevron Chemical Company LLC
1301 McKinney Street
Houston, TX 77010-3029

Represents: Chevron Chemical Company LLC

PARTY OF RECORD

Patrick J. Whalen
President, Fulfillment Systems Int'l.
908 Niagara Falls Boulevard
North Tonawanda, NY 14120-2060

Represents: Fulfillment Systems Int'l.

PARTY OF RECORD

Richard V. Willmarth
Traffic Manager
GROWMARK, Inc.
1701 Towanda Avenue
Bloomington, IL 61701

Represents: GROWMARK, Inc.

THE FIRM NAME AND/OR ADDRESS FOR THE FOLLOWING PARTIES OF RECORD
SHOULD BE **REVISED**, AS FOLLOWS:
(Revisions are shown in bold and underscored.)

PARTY OF RECORD

Richard L. Jones
Bentonite Performance Minerals
410 Seventeenth Street, Suite 800
Denver, CO 80202

Represents: Bentonite Performance Minerals

PARTY OF RECORD

Jeffrey O. Moreno, Esq.

Thompson, Hine & Flory LLP

1920 N Street, N.W.

Washington, DC **20036-1601**

Represents: The Dow Chemical Company

THE FOLLOWING NAMES SHOULD BE **DELETED** FROM THE SERVICE LIST AS

PARTIES OF RECORD:

(These names are shown as they appeared as Parties of Record on the April 28, 2000 Service List.)

Tom O'Connor

Snavely, King, Majoros, O'Connor & Lee

1220 L Street, N.W., Suite 410

Washington, DC 20005

Represents: BASF Corporation, BOC Gases, Celanese Chemicals, Enterprise Private Lines and Storage LLC, Enterprise Products, Equistar and Lyondell Chemicals LP, Occidental Chemical, OxyVinyls LP, Westvaco, and Williams Energy Services.

Bruce W. Neely

LeBoeuf, Lamb, Greene & MacRae, L.L.P.

1875 Connecticut Avenue, N.W., Suite 1200

Washington, DC 20009-5728

Represents: Edison Electric Institute

Thomas A. Schmitz

PHB Hagler Bailly, Inc.

1776 Eye Street, N.W., Suite 700

Washington, DC 20036-3700

Represents: PHB Hagler Bailly, Inc.

THE FOLLOWING NAMES ARE **ADDED** TO THE SERVICE LIST AS **NON-PARTIES**:

NON-PARTY

Fred Babin
Port of Corpus Christi Authority
222 Power Street
P.O. Box 1541
Corpus Christi, TX 78403

NON-PARTY

Richard Finn
Port of Portland
Box 3529
Portland, OR 97208

NON-PARTY

Craig Levie
Port of Portland
Box 3529
Portland, OR 97208

NON-PARTY

Tom O'Connor
Vice President
Snavelly, King, Majoros, O'Connor & Lee
1220 L Street, N.W.
Washington, DC 20005

NON-PARTY

Lisa Yoho
Director of U.S./Canada Government Affairs
Enron Corporation
1775 I Street, N.W., Suite 800
Washington, DC 20006

THE FOLLOWING NAME IS **DELETED** FROM THE SERVICE LIST AS A **NON-PARTY**:

Wayne Hammon
Director of Government Relations
National Association of Wheat Growers
415 Second Street, N.E., Suite 300
Washington, DC 20002