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SEC

SERVICE DATE - APRIL 3, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32549 (Sub-No. 22)

BURLINGTON NORTHERN INC., AND BURLINGTON NORTHERN RAILROAD
COMPANY — CONTROL AND MERGER — SANTA FE PACIFIC CORPORATION
AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
[PETITION TO REOPEN — ROQUETTE AMERICA, INC.]

Decided: March 31, 2000

On February 15, 2000, Roquette America, Inc. (RAI or petitioner) filed a petition to reopen the decision in Burlington Northern Et Al. — Merger — Santa Fe Pacific Et Al., 10 I.C.C.2d 661 (1995) (BNSF Merger),¹ to remedy an alleged loss of railroad competition at RAI's facilities at Keokuk, IA. In a motion also filed on February 15, 2000 (RAI-5), RAI asked the Board to adopt a 230-day procedural schedule, where respondent BNSF's reply to the petition would be due on March 6, 2000. By decision served March 8, 2000, the Board granted RAI's motion filed March 3, 2000 (RAI-11) to extend BNSF's reply date by 30 days to April 5, 2000, to allow RAI and BNSF time to finalize a settlement agreement. By motion filed on March 29, 2000 (RAI-12/BNSF-1), RAI and BNSF jointly seek an additional 30-day extension of time, to May 5, 2000, for BNSF to file its reply.

In light of the parties' stated progress toward a settlement agreement, the request to extend BNSF's time to file a reply to the RAI's petition to reopen is granted. As stated in the Board's previous extension decision, petitioner's motion to adopt the proposed procedural schedule, as amended, will be addressed at a later date if parties are unable to reach a settlement of the matters at issue in this proceeding.

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

It is ordered:

1. The RAI-12/BNSF-1 motion is granted; the time to file replies to RAI's petition to reopen is extended by 30 days and replies will be due on May 5, 2000.

¹ In BNSF Merger, our predecessor agency, the Interstate Commerce Commission (ICC), approved the acquisition of control of Santa Fe Pacific Corporation by Burlington Northern Inc., and the common control and merger of Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company.

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2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary