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SERVICE DATE - JULY 21, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33390]

Roaring Fork Railroad Holding Authority--Acquisition and Operation Exemption--Southern Pacific Transportation Company

The Roaring Fork Railroad Holding Authority (RFRHA), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate Southern Pacific Transportation Company's (SP) line, known as the Aspen Branch, between milepost 360.22 near Glenwood Springs and milepost 393.66 near Woody Creek, in Garfield, Eagle and Pitkin Counties, CO, a distance of approximately 33.44 miles.¹

The transaction was to be consummated on or after June 30, 1997, the effective date of the exemption.

If the notice contains false or misleading information, the exemption is void *ab*

¹ On June 27, 1997, a petition to stay the notice of exemption filed by the Phillips Company (Phillips) was denied by the Board in *Roaring Fork Railroad Holding Authority--Acquisition and Operation Exemption--Southern Pacific Transportation Company*, STB Finance Docket No. 33390 (STB served June 27, 1997). Phillips' subsequent petition for an emergency stay filed with the United States Court of Appeals for the 10th Circuit was denied by the Court. *The Phillips Company v. Surface Transportation Board*, No. 97-9536 (10th Cir., June 27, 1997). Phillips' petition for review of the notice of exemption remains pending before that court.

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initio. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33390, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, D.C. 20423-0001. In addition, a copy of each pleading must be served on Charles H. Montange, 426 NW 162d Street, Seattle, WA 98177.

Decided: July 10, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary