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SEC

SERVICE DATE - JULY 31, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-354 (Sub-No. 2X)

ROCHESTER & SOUTHERN RAILROAD, INC.--ABANDONMENT
EXEMPTION--IN CATTARAUGUS COUNTY, NY

MOTION FOR PROTECTIVE ORDER

Decided: July 30, 1998

By motions filed July 13 and 14, 1998, Buffalo Crushed Stone, Inc. (BCS), a shipper, seeks a protective order in connection with the filing of its opposition to the abandonment exemption petition filed in this proceeding by the Rochester & Southern Railroad, Inc. (R&S). The motions seek to prevent public disclosure of certain information that is contained in the Confidential version of BCS' opposition filing but which is redacted from the Public version of that filing submitted July 14, 1998. BCS contends that the Confidential version of its statement opposing R&S' petition contains operational and other sensitive commercial information which, if it were available to the public, including to BCS' competitors, could harm BCS' commercial interests. No opposition to BCS' motions has been received.

The motions conform with the Board's rules at 49 CFR 1104.14 governing requests for protective orders. Accordingly, BCS' request for a protective order will be granted.

It is ordered:

1. BCS' motions for protective order are granted. BCS' opposition statements filed with the Board on July 13, 1998, will be kept under seal and not placed in the public docket or otherwise disclosed to the public. Information which is contained in those statements but which is redacted from the Public version of BCS' opposition statement filed with the Board on July 14, 1998, will not be used except in a filing made with the Board which is designated "Confidential" and is filed with the Board under seal as prescribed in 49 CFR 1104.14(a).

2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary