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SEC

SERVICE DATE - LATE RELEASE MARCH 26, 1998

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
--CONTROL AND OPERATING LEASES/AGREEMENTS--  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

Decision No. 74

Decided: March 26, 1998

On March 19, 1998, CSX<sup>1</sup> filed a petition (designated as CSX-141) to declassify certain portions of the record with respect to a lease agreement between Conrail and APL Limited (APL). CSX seeks to change the designation of the material from "Highly Confidential" to "Public." In a reply filed March 24, 1998 (designated as APL-19), APL opposes the request.

Under the procedural guidelines in this proceeding, this dispute arising out of the discovery process will be referred to Administrative Law Judge Jacob Leventhal. See Decision No. 6, slip op. at 6-7 (May 30, 1997). For administrative convenience, we will require CSX and APL to resubmit a copy of their respective pleadings (CSX-141 and APL-19) to Judge Leventhal at the following address: Federal Energy Regulatory Commission, 888 First Street, N.E., Suite 11F, Washington, DC 20426 [(202) 219-2538; FAX: (202) 219-3289]. The parties are directed to consult with Judge Leventhal on the procedure for hearing this matter.

It is ordered:

1. This dispute is referred to Administrative Law Judge Jacob Leventhal for resolution. CSX and APL must send a copy of their respective pleadings to Judge Leventhal and consult with him regarding the procedure for hearing the matter.

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<sup>1</sup> CSX refers to CSX Corporation and CSX Transportation, Inc. In this proceeding, Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively NS), Conrail Inc. and Consolidated Rail Corporation (collectively Conrail), and CSX seek approval and authorization under 49 U.S.C. 11323-25 for: (1) the acquisition by CSX and NS of control of Conrail; (2) and the division of Conrail's assets by and between CSX and NS.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary