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SERVICE DATE - SEPTEMBER 12, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33447]

Omaha Public Power District—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company

Omaha Public Power District (OPPD), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire 56.75 miles of rail line (Acquired Line) and associated assets of The Burlington Northern and Santa Fe Railway Company (BNSF) between milepost 56.30, at Collegeview, NE, and milepost 6.1, at Arbor, NE. In addition, OPPD will acquire 4.53 miles of incidental overhead trackage rights over the BNSF line from milepost 56.3, in the Nebraska City Sub-division, and milepost 61.38, in the St. Joe Sub-Division.

The transaction is expected to be consummated on or about October 1, 1998.¹

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

¹ OPPD states that it does not intend to provide common carrier rail service on the Acquired Line and that common carrier service is expected to be provided by a third party to be selected by OPPD. OPPD indicates that the operator would file its own verified notice of exemption to permit it to operate over the line. BNSF will retain trackage rights over the Acquired Line to provide rail transportation service to OPPD until December 31, 1998.

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An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33447, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas W. Wilcox, Esq., Donelan, Cleary, Wood & Maser, P.C., 1100 New York Avenue, N.W., Suite 750, Washington, DC 20005.

Decided: September 4, 1997.

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

Vernon A. Williams

Secretary