

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34505

EAST BROOKFIELD & SPENCER RAILROAD, LLC–LEASE AND OPERATION
EXEMPTION–CSX TRANSPORTATION, INC.

Decided: December 6, 2004

By notice of exemption filed on May 12, 2004, under 49 CFR 1150.31, East Brookfield & Spencer Railroad, LLC (EB&SR) sought to acquire by lease from CSX Transportation, Inc., and to operate, approximately 4 miles of rail line and approximately 270 feet of lead track in East Brookfield and Spencer, Worcester County, MA. The transaction was scheduled to be consummated on May 19, 2004.

On October 21, 2004, the United Transportation Union (UTU) filed a petition to revoke the exemption. UTU indicated in its petition that it intended to engage in discovery against EB&SR, and that it would supplement its petition to revoke upon the completion of discovery. On November 10, 2004, EB&SR filed a reply to UTU's petition to revoke.

UTU served on EB&SR a request for production of various documents on October 21, 2004. On November 12, 2004, in response to UTU's document production requests, EB&SR requested a protective order under 49 CFR 1104.14 with respect to documents produced in discovery in this proceeding. The Board issued the requested protective order in a decision served on November 18, 2004.

By petition filed on December 2, 2004, UTU requests an extension of time until December 20, 2004, to supplement its petition to revoke.¹ By a supplemental letter also filed on December 2, 2004, UTU states that counsel for EB&SR concurs in the extension request, but, in light of the holiday season, requests an additional 10 days on top of the designated 15-day period to respond to UTU's supplemental petition.

¹ Under 49 CFR 1121.2, UTU had 45 days from the date the petition was filed, or until December 5, 2004, to supplement its petition.

The requests for extensions of time are reasonable and will be granted.

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

It is ordered:

1. The deadline for submission of supplemental petitions to revoke in this proceeding by UTU is extended until December 20, 2004.
2. The due date for replies to the supplemental petitions to revoke is extended to January 14, 2005.
3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary