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SEC

SERVICE DATE — MAY 2, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42104

ENTERGY ARKANSAS, INC. AND ENTERGY SERVICES, INC.

v.

UNION PACIFIC RAILROAD COMPANY

AND

MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC.

Finance Docket No. 32187

MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC.

— LEASE, ACQUISITION AND OPERATION EXEMPTION —

MISSOURI PACIFIC RAILROAD COMPANY AND BURLINGTON NORTHERN  
RAILROAD COMPANY

MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Decided: May 1, 2008

By motion filed on April 28, 2008, complainants Entergy Arkansas, Inc., and Entergy Services, Inc. (jointly, Entergy) sought an order compelling the Missouri & Northern Arkansas Railroad Company, Inc. (MNA) to produce certain documents requested in its first set of discovery requests directed to MNA. Specifically, Entergy moved to compel production of copies of the agreements between MNA and BNSF Railway Company sought in its Request Nos. 4 and 5. Entergy also moved to compel production of the documents sought in its Request Nos. 8, 10(t), and 11, which pertain to the division of revenues and fees paid to MNA by the Union Pacific Railroad Company. Finally, Entergy asked the Board to find that its protective order served on April 18, 2008, does not allow MNA to refuse to provide information that is subject to the order until Entergy provides executed copies of the confidentiality undertakings prescribed in it.

On April 30, 2008, MNA filed a reply to Entergy's motion to compel, stating that: (1) that it does not oppose Entergy's motion with respect to the documents sought in its Request Nos. 4 and 5; and (2) it has reached agreement with Entergy regarding Request Nos. 8, 10(t), and 11 and the issue concerning the protective order.

In light of MNA's reply, Entergy's motion to compel will be (1) granted with respect to the documents sought in its Request Nos. 4 and 5 and (2) denied as moot in all other respects due to settlement.

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

It is ordered:

1. MNA must produce the documents sought in Entergy's Request Nos. 4 and 5, and Entergy's motion to compel is denied as moot in all other respects.

2. This decision is effective on its date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan  
Acting Secretary