

37269
CO

SERVICE DATE – LATE RELEASE AUGUST 10, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34918

KEOKUK JUNCTION RAILWAY COMPANY d/b/a PEORIA & WESTERN RAILWAY
– LEASE AND OPERATION EXEMPTION –
BNSF RAILWAY COMPANY BETWEEN VERMONT AND FARMINGTON, IL

Decided: August 10, 2006

By notice filed on August 4, 2006, the Keokuk Junction Railway Company, d/b/a Peoria & Western Railway (KJR), invoked the class exemption at 49 CFR 1150.41, et seq., to lease and to operate as a railroad common carrier track owned by the BNSF Railway Company between Vermont (milepost 94.3) and Farmington (milepost 52.20), in Fulton County, IL. The line consists of approximately 42.1 miles of main-line trackage and what KJR calls an “industrial spur” at Dunfermline. KJR states that the line currently has no traffic.

By petition filed on August 10, 2006, Ameren Energy Fuels and Services Company (Ameren) asks the Board to hold the proceeding in abeyance to allow Ameren to inquire into the details of the lease through discovery so that Ameren and the Board can properly determine whether approval for this transaction may be sought under the Board’s class exemption procedure. Ameren argues that the notice is misleading under 49 CFR 1150.32(c) in that: (1) KJR’s statement in the notice that it will be providing “all rail common carrier services” on the line is inconsistent with information in a letter from KJR and BNSF to Ameren, which letter is attached to Ameren’s petition for stay; and (2) the notice has incorrectly identified KJR’s corporate relationships. Ameren urges the Board to obtain a copy of the lease in order to determine whether the transaction will cause competitive harm to Ameren’s Duck Creek Power Plant by making it captive to KJR for coal delivery. To facilitate its acquisition of a copy of the lease, Ameren has submitted a draft protective order that would apply to any future examination of the lease.

DISCUSSION AND CONCLUSIONS

A housekeeping stay of the effective date of the exemption is appropriate to provide sufficient time for the Board to fully consider the issues presented by Ameren. Thus, the exemption will be stayed until further order of the Board. The request for a protective order will be addressed in a separate decision.

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

It is ordered:

1. The exemption is stayed until further order of the Board.
2. This decision is effective on its date of service.

By the Board, W. Douglas Buttrey, Chairman.

Vernon A. Williams
Secretary