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SERVICE DATE – SEPTEMBER 5, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34335

KEOKUK JUNCTION RAILWAY COMPANY–FEEDER LINE ACQUISITION–
LINE OF TOLEDO PEORIA AND WESTERN RAILWAY CORPORATION BETWEEN
LA HARPE AND HOLLIS, IL

Decided: September 4, 2003

In a decision served on July 9, 2003, the Acting Director of the Office of Proceedings accepted Keokuk Junction Railway Company's (KJRY) amended feeder line application and adopted a procedural schedule under 49 CFR 1151.2, which as subsequently revised calls for the filing of verified statements and comments by September 15, 2003.¹ On July 18, 2003, Toledo, Peoria and Western Railway Corporation (TP&W), the owner of the line subject to the feeder line application, filed an appeal of the July 9, 2003 decision or, in the alternative, a request that the Board require clarification of the amended application. TP&W also filed discovery on KJRY on August 13, 2003, to which KJRY replied on August 28, 2003.

On September 2, 2003, TP&W filed a motion to hold the procedural schedule in this proceeding in abeyance until the Board rules on TP&W's appeal and alternative request and on its motion to compel in connection with discovery, which TP&W asserts will be filed no later than September 5, 2003.

TP&W's motion will be granted in part. The procedural schedule in this proceeding will be extended to provide time for the Board to address TP&W's appeal and its alternative request that clarification be ordered. That Board decision can also be expected to make any necessary revisions to the procedural schedule for the submission of verified statements, comments, and verified replies.

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

¹ The July 9, 2003 decision set September 6, 2003, as the due day for parties to file verified statements and comments. Due to circumstances beyond the Board's control, notice of that decision was not published in the Federal Register until July 15, 2003. See 68 FR 41858. As a consequence, the procedural schedule was revised accordingly in a notice to the parties that was also served on July 9, 2003.

It is ordered:

1. The procedural schedule in this proceeding is extended to permit the Board to rule on TP&W's appeal and its alternative request.

2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary