

30945
SEC

SERVICE DATE - APRIL 3, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33853

CEMEX USA—PETITION FOR DECLARATORY ORDER—THE
BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: March 31, 2000

On February 29, 2000, Cemex USA (Cemex) filed and served on The Burlington Northern and Santa Fe Railway Company (BNSF) a petition for a declaratory order and a verified statement. Cemex simultaneously filed a motion for a protective order to protect the financial information that was contained in those filings and any confidential, proprietary, or commercially sensitive evidence and information that may be submitted in the future. Cemex designated the declaratory order petition and verified statement as confidential under 49 CFR 1104.14 and stated that an original and 10 copies of redacted versions will be filed for the public record once a protective order is issued. The protective order was issued in a decision served March 10, 2000, and the redacted copies were filed on March 27, 2000.

In a letter filed on March 22, 2000, BNSF requests that its reply, which was filed on March 16, 2000, be included within the purview of the protective order and be removed from the public record. BNSF states that the reply contains information from Cemex's unredacted declaratory order petition and verified statement that Cemex considers confidential and proprietary and that a redacted copy of its reply would be filed after Cemex's redacted copies have been received. To ensure confidentiality, BNSF's request will be granted.

It is ordered:

1. BNSF's reply to Cemex's declaratory order petition will be kept under seal and will not be included in the public record.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary