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SEC

SERVICE DATE - AUGUST 17, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42034

PSI ENERGY, INC.

v.

CSX TRANSPORTATION, INC.

and

SOO LINE RAILROAD COMPANY

MOTION FOR A PROTECTIVE ORDER

Decided: August 13, 1998

By motion filed on July 29, 1998, under 49 CFR 1104.14, CSX Transportation, Inc. (CSXT) requests that we enter a protective order that would keep confidential, and exclude from the public record, the "Confidential Appendix" to its motion filed on the same date for suspension of this complaint proceeding or, in the alternative, for entry of a preliminary decision on market dominance issues. CSXT argues that: (1) the aforementioned Confidential Appendix contains a copy of a railroad transportation contract, the terms of which are protected under a confidentiality agreement between the parties; (2) public disclosure of these terms would cause serious competitive harm to CSXT and PSI Energy, Inc.; and (3) in other cases, the Board and its predecessor agency have recognized the confidential nature of rail transportation contract information by entering protective orders authorizing the submission of such material under seal and directing that it be excluded from the public docket. No opposition to CSXT's motion has been received.

We will grant CSXT's motion for a protective order. The material at issue is confidential, and there is no need to make it available to the general public.

It is ordered:

1. The Confidential Appendix to CSXT's motion filed on July 29, 1998, for suspension or a preliminary decision on market dominance shall be kept confidential and not be made a part of the public docket in this proceeding.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary