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SEC

SERVICE DATE – JUNE 23, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34666

COLUMBUS AND GREENVILLE RAILWAY COMPANY–ACQUISITION AND
OPERATION EXEMPTION–LINE OF CITY OF GREENWOOD, MS

Decided: June 21, 2005

On March 23, 2005, Columbus and Greenville Railway Company (C&G), a Class III rail carrier, filed a verified notice of exemption under 49 CFR 1150.41 to acquire from the City of Greenwood (City) and operate approximately 2.99 miles of newly constructed bypass rail line, extending from C&G milepost 113.59 to C&G milepost 116.57, in Leflore County, MS. Notice of the exemption was served and published in the Federal Register (70 FR 20963) on April 22, 2005.

On March 30, 2005, Morris Recycling, Inc. (Morris) filed petitions to stay and to revoke the exemption. On April 8, 2005, C&G responded. On April 14, 2005, Morris filed a petition for leave to file a reply and a reply to C&G's reply, along with a copy of discovery requests that it served on C&G on or about April 1, 2005. On April 18, 2005, C&G filed a motion to quash discovery, to which Morris replied on April 20, 2005, and a motion to deny Morris' request to submit a reply to a reply. On May 3, 2005, Morris filed a motion to compel C&G to respond to its first set of discovery requests, and a request for an extension of the deadline for filing a supplement to its petition to revoke. On May 12, 2005, C&G filed a reply to Morris's extension request and motion to compel.

A decision served on May 12, 2005, tolled the deadline for Morris to file a supplemental petition to revoke in this proceeding. The decision also indicated that a separate decision would be issued resolving the discovery issues and setting the times for future filings, including Morris' supplemental petition.

In its reply that was filed on May 12, 2005, C&G indicates that it has made available to Morris the documents that Morris had sought by discovery. Accordingly, no action appears to be necessary on Morris' motion to compel or on C&G's motion to quash discovery.

Morris' petition to revoke raises issues that require further consideration by the Board. By this decision the Board is instituting a proceeding under 49 U.S.C. 10502(d) to consider this matter and setting the following procedural schedule: Morris' supplement to its petition to revoke is due 25 days from the service date of this decision, and C&G's reply is due 40 days from the service date of this decision.

It is ordered:

1. Under 49 U.S.C. 10502(d), a proceeding is instituted to consider Morris' petition to revoke.
2. Morris' supplement to its petition is due by July 18, 2005.
3. C&G's reply is due by August 2, 2005.
4. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary