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SERVICE DATE - OCTOBER 16, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33481]

Marksman Corporation—Lease and Operation Exemption—J.K. Line, Inc.

Marksman Corporation (Marksman), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from J.K. Line, Inc., and to operate 17 miles of rail line in the State of Indiana from milepost 183, near Monterey, to milepost 199, near North Judson.

This transaction is related to the notice of exemption filed in STB Finance Docket No. 33483, The Toledo, Peoria and Western Railroad Corporation—Continuance in Control Exemption—Marksman Corporation, for The Toledo, Peoria and Western Railroad Corporation to continue in control of Marksman (once it becomes a carrier through consummation of the transaction in STB Finance Docket No. 33481), in addition to its indirect control of Toledo, Peoria & Western Railway Corporation (TPW Railway).<sup>1</sup> Because the exemption in STB Finance Docket No. 33483 is not scheduled to become effective until October 14, 1997, the earliest the transaction in STB Finance Docket No. 33481 can be consummated is October 14, 1997.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d)

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<sup>1</sup> Marksman owns 100% of the stock of TPW Railway.

may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33481, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796.

Decided: October 8, 1997.

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

Vernon A. Williams

Secretary