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SEC

SERVICE DATE - DECEMBER 23, 1998

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
--CONTROL AND OPERATING LEASES/AGREEMENTS--  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

Decision No. 111

Decided: December 22, 1998

In Decision No. 89, in addition to approving the primary application,<sup>1</sup> the Board imposed a condition requiring applicants to provide Indianapolis Power & Light Company (IP&L) a competitive rail routing into IP&L's Stout plant via a new interchange between NS and Indiana Southern Railroad, Inc. (ISRR) at milepost 6.0 on ISRR. See Decision No. 89, slip op. at 116 and 177. In response to complaints from IP&L and ISRR that milepost 6.0 is not a practical interchange point, the Board subsequently directed applicants, ISRR, and IP&L to attempt to negotiate a mutually satisfactory solution to this interchange issue and report back to the Board in 60 days. See Decision No. 96, served October 19, 1998, slip op. at 14 and 26.

In separate letters filed December 18, 1998, applicants indicate that the parties have discussed the issue, but have been unable to reach a mutually satisfactory solution. Applicants therefore request a 30-day extension to negotiate an agreement. By letter filed December 18, 1998, IP&L indicates that CSX has not discussed the interchange issue with it and requests that, because CSX has not been responsive to communications sent by IP&L to CSX, and the applicable tariff in question, Conrail Tariff No. 4611, expires in February 1999, the extension should be conditioned on removal of the expiration date of that tariff. The requested extension is reasonable and will be granted.<sup>2</sup> This decision takes no action on IP&L's request for removal of the expiration date of Conrail Tariff No. 4611. IP&L may renew that request if an agreement has not been reached by January 19, 1999.

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<sup>1</sup> In Decision No. 89, served July 23, 1998, the Board approved, subject to conditions, the application by CSX Corporation and CSX Transportation, Inc. (collectively CSX), and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively NS) under 49 U.S.C. 11321-26 for: (1) the acquisition of control of Conrail Inc., and Consolidated Rail Corporation (collectively Conrail); and (2) the division of Conrail's assets by and between CSX and NS.

<sup>2</sup> Although NS requested an extension to and including Sunday, January 17, 1999, the extension will be granted to January 19, 1999, the next day which is not a Saturday, Sunday or holiday. See 49 CFR 1104.7.

It is ordered:

1. The extension request is granted. The parties should attempt to negotiate a mutually satisfactory solution respecting any milepost 6.0 interchange problems and advise us of the status of their negotiations by January 19, 1999.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary