

30725 SERVICE DATE - LATE RELEASE DECEMBER 28, 1999

SEC

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388 (Sub-No. 90)]<sup>1</sup>

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 (Buffalo Rate Study)

ACTION: Decision No. 2; Extension of Deadlines Applicable to the First Phase of the Buffalo Rate Study

SUMMARY: In Decision No. 1, which was served December 15, 1999, and published in the Federal Register on December 20, 1999 (at 64 FR 71188), the Board initiated a 3-year study (the Buffalo Rate Study) to examine linehaul and switching rates for rail movements into and out of the State of New York's Buffalo area. By petition filed December 23, 1999, CSX Corporation and CSX Transportation, Inc. (collectively, CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS) have requested that each of the respective due dates for the first phase (also referred to as the initial 6-month review) of the Buffalo Rate Study be extended for a period of four weeks. In this decision, the Board is extending the due dates applicable to the first phase of the Buffalo Rate Study.

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<sup>1</sup> A copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in STB Finance Docket No. 33388.

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DATES: For the initial 6-month review (also referred to as the first phase), the carriers' rail 100% waybill files for the period beginning June 1, 1997, and ending November 30, 1999, should be made available to all interested parties and to Board staff by January 27, 2000. CSX and NS comprehensive filings are due by February 11, 2000; comments from other parties are due by March 13, 2000; and CSX and NS replies to comments are due by March 28, 2000.

For the first full-year review, the carriers' rail 100% waybill files for the period ending May 31, 2000, should be made available to all interested parties and to Board staff by June 30, 2000. CSX and NS comprehensive filings are due by July 14, 2000; comments from all interested parties are due by August 14, 2000; and CSX and NS replies to comments are due by August 29, 2000. (The dates applicable to the first full-year review have not been changed; they are noted here simply for ease of reference.)

ADDRESSES: An original and 25 copies of all documents must refer to STB Finance Docket No. 33388 (Sub-No. 90) and must be sent to: Surface Transportation Board, Office of the Secretary, Case Control Unit, Attn: STB Finance Docket No. 33388 (Sub-No. 90), 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of all documents in this proceeding must be sent to each representative: (1) Dennis G. Lyons, Esq., Arnold & Porter, 555 12th Street, N.W., Washington, DC 20004-1202 (representing CSX); and (2) Richard A. Allen, Esq., Zuckert, Scoutt & Rasenberger, LLP, 888 17th Street, N.W., Washington, DC 20006-3939 (representing NS).

In addition to submitting an original and 25 copies of all paper documents filed with the Board, parties also must submit, on 3.5-inch IBM-compatible floppy diskettes (disks) or compact discs (CDs), copies of all pleadings and attachments (e.g., textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence) and must clearly label pleadings and attachments and corresponding computer diskettes with an identification acronym and pleading number. Textual materials must be in, or convertible by and into, WordPerfect 7.0. Electronic spreadsheets must be in some version of Lotus, Excel, or Quattro Pro. Parties may individually seek a waiver from the disk-CD requirement.

FOR FURTHER INFORMATION, CONTACT: Michael A. Redisch, (202) 565-1544.

[TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: In their petition (designated CSX/NS-220) filed December 23, 1999, CSX and NS have explained that extension of the first phase deadlines is necessary to assure the orderly and efficient production of the waybill data called for in Decision No. 1. CSX and NS contend, in essence, that, in view of other year-end tasks, and considering the substantial data processing required to produce the relevant waybill records, production of the required waybill data by December 30, 1999 (the date set in Decision No. 1) is simply not feasible.

The requested extension is justified, especially in light of the need for meaningful data for the Buffalo Rate Study. As noted by CSX and NS, because the study is a 3-year undertaking involving annual reviews, the 4-week extension will not affect the timely

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completion of the initial annual review or the overall study. The deadlines applicable to the first phase will therefore be extended in the manner requested.

Service List. As with Decision No. 1, a copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in STB Finance Docket No. 33388. This decision (like Decision No. 1) will serve as a notice that persons who were parties of record in STB Finance Docket No. 33388 will not automatically be placed on the service list as parties of record for this Buffalo Rate Study proceeding. Any persons interested in being on the STB Finance Docket No. 33388 (Sub-No. 90) service list and receiving copies of CSX and NS filings relating to the Buffalo Rate Study must send us written notification with copies to the railroads' representatives.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: December 28, 1999.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams

Secretary