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SERVICE DATE – APRIL 13, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35071

CODORUS CREEK RAILWAY COMPANY—FEEDER LINE APPLICATION—  
STEWARTSTOWN RAILROAD COMPANY

Decided: April 13, 2010

By motion filed on January 26, 2010, John Frantz (Frantz) filed a motion for protective order on behalf of the Codorus Creek Railway Company (CCR). Frantz asks the Board to grant his protective order to shield highly confidential material that will be filed as part of a feeder line application.

Under the Board's regulations, CCR's filing must be prepared and signed either (1) by an attorney, see 49 C.F.R. § 1103.2; or (2) by a registered non-attorney practitioner who has successfully completed the practitioner's examination, see 49 C.F.R. § 1103.3. Also, because a corporation cannot represent itself per se, an officer or director, if properly authorized by the corporation, may represent the corporation in Board proceedings. Frantz has not shown that he is either an attorney or a licensed practitioner, nor has he shown that he is an officer or director of CCR. Accordingly, it is not clear whether Frantz can represent CCR in this proceeding.

To resolve this matter, the Board issued an order on February 1, 2010, asking Frantz to show cause as to why he can represent CCR. The Board held the proceeding in abeyance and stated that, if Frantz did not respond by February 10, 2010, the proceeding would be dismissed. Frantz has not responded, and the proceeding will therefore be dismissed.

It is ordered:

1. This proceeding is dismissed.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.