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ALJ

SERVICE DATE - MARCH 28, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42051

WISCONSIN POWER AND LIGHT COMPANY

v.

UNION PACIFIC RAILROAD COMPANY

Decided: March 23, 2000

The following discovery pleadings require resolution:

- Defendant's petition for subpoena duces tecum directed to L.E. Peabody & Associates, Inc., filed on or about February 11, 2000;
- Complainant's reply thereto filed on or about February 18, 2000;
- Complainant's motion to compel production of documents by Defendant, filed on or about February 18, 2000;
- Defendant's reply thereto filed on or about February 28, 2000; and
- Complainant's letter dated February 28, 2000, in which it withdraws its motion to compel with respect to its Request No. 31.

An informal argument concerning the matters described above was March 22, 2000. That argument made it clear that the material sought by both parties is discoverable. It is either admissible in this proceeding or reasonably calculated to lead to the discovery of admissible evidence.

It is, therefore, ordered:

1. Complainant's motion to compel production of documents, filed on or about February 18, 2000, is granted.
2. Defendant must produce the documents sought by complainant within ten days after the effective date of this Decision.

3. Defendant's petition for subpoena duces tecum directed to L.E. Peabody & Associates, Inc., filed on or about February 11, 2000, is granted.

This decision is effective on the service date.

By the Board, Joseph R. Nancy, Administrative Law Judge.

Vernon A. Williams
Secretary