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SEC

Service Date- December 2, 1996

SURFACE TRANSPORTATION BOARD

DECISION

S.B. Finance Docket No. 33294

GRAND TRUNK WESTERN RAILROAD INCORPORATED--TRACKAGE RIGHTS
EXEMPTION--CONSOLIDATED RAIL CORPORATION

MOTION FOR PROTECTIVE ORDER

Decided: December 2, 1996

By motion filed November 21, 1996, Grand Trunk Western Railroad Incorporated (GTW) seeks a protective order with respect to a commercial agreement between GTW and Consolidated Rail Corporation (Conrail), by which GTW would obtain limited trackage rights from Conrail.

GTW filed a notice of exemption under 49 CFR 1180.2 (d) (7) to obtain trackage rights from Conrail. Parties filing a notice of exemption for trackage rights are required under 49 CFR 1180.4(g) (1) and (1) (i) to submit certain information. GTW submits the commercial agreement under 49 CFR 1180.6 (a) (7) (ii).

GTW requests that the commercial agreement be kept under seal and not placed in the public docket or otherwise disclosed to the public under 49 CFR 1104.14. GTW notes that the commercial agreement contains proprietary shipper-specific traffic data. In addition GTW notes that the data are commercially sensitive information and that their disclosure to the public could be competitively damaging.

The motion conforms with the Board's rules at 49 CFR **1104.14** governing requests for protective orders to maintain confidentiality. Accordingly, the motion for protective order will be granted.

It is ordered:

1. The motion for protective order is granted. The commercial agreement submitted in S.B. Finance Docket No. 33294 will be kept under seal and will not be placed in the public docket or otherwise disclosed to the public.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams

Secretary

