

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 32760 (Sub-No. 21)

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY,
AND MISSOURI PACIFIC RAILROAD COMPANY--CONTROL AND MERGER--
SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY
COMPANY, SPCSL CORP., AND THE DENVER AND RIO GRANDE
WESTERN RAILROAD COMPANY

[OVERSIGHT]

(Decision No. 5)

Dated: July 22, 1997

In Decision No. 1, served on May 7, 1997, and published that day in the *Federal Register* at 62 FR 25014, the Board instituted a proceeding to implement the oversight condition imposed in *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company*, Finance Docket No. 32760, Decision No. 44 (STB served Aug. 12, 1996). In instituting this oversight proceeding, we emphasized that any comments on the competitive effects of the merger and the implementation of the conditions imposed to address competitive harms would be due on August 1, 1997, and that any replies to such comments would be due on August 20, 1997. See Decision No. 1, slip op. at 2, 62 FR at 25014.

By letter dated July 16, 1997 (filed July 17, 1997), the United States Department of Agriculture (USDA)¹ has asked that the due date for its comments be extended to August 15, 1997. USDA indicates that the extension it seeks will benefit the oversight process by allowing USDA to receive, at a series of "shipper and community listening sessions in Kansas," input on the competitive effects of the UP/SP merger on agricultural shippers and communities.

By letter dated July 18, 1997 (filed July 18, 1997), applicants² have advised that they will not formally oppose USDA's extension request, provided that they are granted an additional 2 weeks to respond to any comments filed by USDA.

Decision No. 1 was served and published on May 7, 1997, giving USDA and all other interested persons 12-weeks' notice that comments were due on August 1, 1997, and allowing them more than sufficient time either to prepare their comments or to seek an extension of time well in advance of the comment due date. Nevertheless, because applicants do not formally oppose USDA's extension request, it will be granted, and applicants will likewise be granted an extension of time for filing a reply to USDA's comments. We reiterate, however, the importance of adhering to any schedule adopted for this proceeding.

¹ The letter is signed by Eileen S. Stommes, Director, Transportation and Marketing Division, Agricultural Marketing Service, United States Department of Agriculture.

² At the present time, the term "applicants" refers to Union Pacific Corporation (UPC), Union Pacific Railroad Company (UPRR), Southern Pacific Rail Corporation (SPR), Southern Pacific Transportation Company (SPT), and St. Louis Southwestern Railway Company (SSW). The term "applicants" previously embraced, in addition to the foregoing, Missouri Pacific Railroad Company (which was merged into UPRR on January 1, 1997) and SPCSL Corp. and The Denver and Rio Grande Western Railroad Company (which were merged into UPRR on June 30, 1997).

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

It is ordered:

1. The procedural schedule established in Decision No. 1 remains in effect, except as indicated in ordering paragraph 2.

2. Comments by USDA are due on August 15, 1997. Applicants' reply to USDA's comments is due on September 3, 1997.

3. This decision is effective on the date of service.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams
Secretary