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SEC

SERVICE DATE – LATE RELEASE SEPTEMBER 21, 2005

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34738<sup>1</sup>

PADUCAH & LOUISVILLE RAILWAY, INC. – ACQUISITION –  
CSX TRANSPORTATION, INC.

Decision No. 3

Decided: September 21, 2005

NOTICE TO THE PARTIES:

The attached service list has been compiled from the notices of intent to participate filed with the Board in accordance with the procedural schedule set forth in this proceeding as described in Decision No. 2, served August 29, 2005, and published September 2, 2005, in the Federal Register at 70 FR 52477-82.

Each person actively participating as a Party of Record in this proceeding must, within **10 days** of the service date of this Notice, serve a copy of all filings submitted so far in this proceeding on each Party of Record (designated on the attached service list as “Party of Record”) to the extent such filings have not previously been served upon such other parties. Each Party of Record also will be required to file with the Secretary of the Board, within **10 days** of the service date of this Notice, an original plus 10 copies of a certificate of service, along with an electronic copy, indicating that the service required by the preceding sentence has been accomplished. Alternatively, a party may file a certificate of service via the Board’s e-filing format.

Any document filed in this proceeding must be filed either via the Board’s e-filing format or in the traditional paper format. Any person e-filing a document should comply with the instructions found on the Board’s [www.stb.dot.gov](http://www.stb.dot.gov) website, at the “E-FILING” link. Any person filing a document in the traditional paper format should send to the Board an original and 10 paper copies of the document (and also an IBM-compatible floppy disk with any textual submission in any version of either Microsoft Word or WordPerfect).

Every filing made by a Party of Record after the service date of this Notice must have its own certificate of service indicating that all Parties of Record on the service list have been served with a copy of the filing. As stated in Decision No. 2, Members of the United States Congress

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<sup>1</sup> This decision embraces: STB Finance Docket No. 34738 (Sub-No. 1), Evansville Western Railway, Inc. – Acquisition and Operation Exemption – Paducah & Louisville Railway, Inc.; and STB Finance Docket No. 34738 (Sub-No. 2), Four Rivers Transportation, Inc. and Paducah & Louisville Railway, Inc. – Continuance in Control Exemption – Evansville Western Railway, Inc.

and Governors are not Parties of Record and, therefore, need not be served with copies of filings, unless any such Member of Congress or Governor has requested to be, and is designated, as a Party of Record. At the present time, however, there are no “Member of Congress” or “Governor” designations on the service list.

The Board will continue to follow the practice regarding service of Board actions established 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 (UP/SP). See UP/SP, Decision No. 15 (STB served Feb. 16, 1996), at 2-3. Copies of decisions, orders, and notices will be served only on those persons who are designated as Party of Record, Non-Party, Member of Congress, or Governor on the official service list. All other interested persons are encouraged either to secure copies of such decisions, orders, and notices via the Board’s [www.stb.dot.gov](http://www.stb.dot.gov) website under “E-LIBRARY/Decisions & Notices” or to make advance arrangements with the Board’s copy contractor, ASAP Document Solutions (mailing address: Suite 103, 9332 Annapolis Rd., Lanham, MD 20706; e-mail address: [asapdc@verizon.net](mailto:asapdc@verizon.net); telephone number: 202-306-4004), to receive copies of decisions, orders, and notices served in this proceeding. ASAP Document Solutions will handle the collection of charges and the mailing and/or faxing of decisions, orders, and notices to persons who request this service.<sup>1</sup>

All persons on the attached service list should review the list and determine whether information about their address and status (as a Party of Record or Non-Party), is correct. The list reflects the Board’s policy of allowing only one official representative per party to be placed on the service list, as specified in Press Release No. 97-68 dated August 18, 1997, announcing the implementation of the Board’s “One Party-One Representative” policy for service lists. In this proceeding, if a request was made in the notice of intent to participate to have more than one name added to the service list as a Party of Record representing a particular entity, the extra name was added to the service list as a “Non-Party.” Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 CFR 1180.4, and any other requirements set forth in Decision No. 2 and this decision.

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<sup>1</sup> An interested person does not need to be on the service list to obtain a copy of the application filed by Paducah & Louisville Railway, Inc. (P&L) and CSX Transportation, Inc. (CSXT), or any other filing in this proceeding. The Board’s Railroad Consolidation Procedures provide: “Any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order.” See 49 CFR 1180.4(a)(3). The P&L/CSXT application and other filings received in this proceeding will also be available on the Board’s [www.stb.dot.gov](http://www.stb.dot.gov) website under “E-LIBRARY/Filings.” Furthermore, ASAP Document Solutions will provide, for a charge, copies of the primary application or any other filing made in this proceeding, except to the extent any such filing is subject to the protective order previously entered in this proceeding.

Requests to change or correct service list information, or to be deleted from the service list, must be filed **in writing** with the Board by **October 4, 2005**. Parties must submit such requests either via the Board's e-filing format or in the traditional paper format (an original plus 10 copies, along with an electronic copy). Requests submitted in the paper format should be directed to:

Surface Transportation Board  
Re: STB Finance Docket No. 34738  
1925 K Street, N.W.  
Washington, DC 20423-0001

Vernon A. Williams  
Secretary

**SERVICE LIST**

**PARTY OF RECORD**

Louis E. Gitomer  
Ball Janik LLP  
1455 F Street, N.W., Suite 225  
Washington, DC 20005

Represents: CSX Transportation, Inc.

**PARTY OF RECORD**

Honorable Alberto R. Gonzales  
Attorney General of the United States  
c/o Assistant Attorney General, Antitrust  
Division, Room 3109  
U.S. Department of Justice  
Washington, DC 20530

**PARTY OF RECORD**

Donald F. Griffin  
Director of Strategic Coordination and Research  
Brotherhood of Maintenance of Way Employes  
Division of the International Brotherhood of  
Teamsters  
10 G Street, N.E., Suite 460  
Washington, DC 20002

Represents: Brotherhood of Maintenance of Way  
Employes Division of the International  
Brotherhood of Teamsters

**PARTY OF RECORD**

Honorable Norman Y. Mineta  
Secretary, U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, DC 20590

**PARTY OF RECORD**

William A. Mullins  
Baker & Miller PLLC  
2401 Pennsylvania Avenue, N.W., Suite 300  
Washington, DC 20037

**Represents:** Paducah & Louisville Railway, Inc.  
Four Rivers Transportation, Inc.  
Evansville Western Railway, Inc.

**NON-PARTY**

J. Thomas Garrett  
Executive Vice President and General Counsel  
Paducah & Louisville Railway, Inc.  
1500 Kentucky Avenue  
Paducah, KY 42003-2893

**NON-PARTY**

Peter J. Shudtz  
CSX Corporation  
1331 Pennsylvania Avenue, N.W., Suite 560  
Washington, DC 20004