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SERVICE DATE – NOVEMBER 25, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33994

SUMMIT VIEW, INC.–INTRACORPORATE FAMILY EXEMPTION–
MERGER OF PITTSBURGH INDUSTRIAL RAILROAD, INC. INTO
THE PITTSBURGH & OHIO CENTRAL RAILROAD COMPANY

Decided: November 24, 2008

On January 24, 2001, Summit View, Inc., a noncarrier holding company, and its wholly owned subsidiaries identified as Pittsburgh Industrial Railroad, Inc. (PIRR) and The Pittsburgh & Ohio River Railroad Company (POHC), filed a verified notice of exemption under 49 CFR 1180.2(d)(3) and 1180.4(g) to merge PIRR into POHC with POHC as the surviving corporation. The notice was served and published in the Federal Register on February 21, 2001 (66 FR 11092).

By petition filed on October 29, 2008, counsel asks that the Board issue a corrected notice of exemption nunc pro tunc to reflect the correct corporate name of The Pittsburgh & Ohio Central Railroad Company (POCR) as the surviving corporation, rather than POHC as appears in the February 21, 2001 notice. Counsel explains that the verified notice of exemption filed with the Board inadvertently used the incorrect name of POHC and submits a copy of the corporate merger document filed February 19, 2001, with the Ohio Department of State reflecting the correct name of POCR for the surviving corporation. For good cause shown, the notice of exemption in this docket will be corrected by changing the name of POHC to POCR. Counsel, however, has failed to show the need for retroactivity here.

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

It is ordered:

1. This proceeding is reopened.
2. The notice that was served by the Board and published in the Federal Register on February 21, 2001, is modified to correct the name of The Pittsburgh & Ohio River Railroad Company to The Pittsburgh & Ohio Central Railroad Company.

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

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary