

33835
SEC

SERVICE DATE – JULY 18, 2003

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34342

KANSAS CITY SOUTHERN
— CONTROL —
THE KANSAS CITY SOUTHERN RAILWAY COMPANY,
GATEWAY EASTERN RAILWAY COMPANY,
AND
THE TEXAS MEXICAN RAILWAY COMPANY

Decision No. 4

Decided: July 18, 2003

NOTICE TO THE PARTIES:

The attached service list has been compiled from the notices of intent to participate submitted in accordance with the procedural schedule set forth in this proceeding in Decision No. 2, served June 9, 2003, and published June 13, 2003, in the Federal Register at 68 FR 35474-80.

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.

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 and Governors are not Parties of Record and, therefore, need not be served with copies of filings, unless any such Member 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 to make advance arrangements with the Board's copy contractor, Dā 2 Dā Legal Copy Service, to receive copies of Board decisions, orders, and notices served in this proceeding.¹ Dā 2 Dā Legal Copy Service will handle the collection of charges and the mailing and/or faxing of decisions, orders, and notices to persons who request this service. The telephone number for Dā 2 Dā Legal Copy Service is: (202) 293-7776.²

All persons named on the attached service list should review the list and determine whether information about their address and status (as a Party of Record or not a Party of Record), is correct. The list reflects our 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.

¹ In addition to the service provided by Dā 2 Dā Legal Copy Service, interested persons may obtain copies of Board decisions, orders, and notices from our website at "www.stb.dot.gov."

² An interested person does not need to be on the service list to obtain a copy of the primary application or any other filing made in this proceeding. Our 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 primary application and other filings in this proceeding will also be available on the Board's website at "www.stb.dot.gov" under "Filings." Furthermore, Dā 2 Dā Legal Copy Service 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.

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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 **July 25, 2003**. An original plus 25 copies of such requests, along with an electronic copy, should be directed to:

Surface Transportation Board
Re: STB Finance Docket No. 34342
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Vernon A. Williams
Secretary

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