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SEC

SERVICE DATE - JANUARY 13, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33508¹

MISSOURI CENTRAL RAILROAD COMPANY
--ACQUISITION AND OPERATION EXEMPTION--
LINES OF UNION PACIFIC RAILROAD COMPANY

STB Finance Docket No. 33537

GRC HOLDINGS CORPORATION--ACQUISITION EXEMPTION--
UNION PACIFIC RAILROAD COMPANY

MOTION FOR PROTECTIVE ORDER

Decided: January 11, 1999

By motion filed December 30, 1998, Missouri Central Railroad Company (MCRR) seeks a protective order in connection with its concurrently filed supplemental evidence in these proceedings.² The Board ordered the supplemental filing in a decision served November 30, 1998. The motion seeks to prevent the public disclosure of certain information that is contained in the confidential version of MCRR's supplemental filing, but which is redacted from the public version of that filing. The matter that is the subject of the motion is contained in Exhibits 1 and 3 to the verified statement of John F. Larkin, which contain shipper-specific projections of traffic that MCRR anticipates moving on the involved rail line and specific information regarding planned train operations, including work, crew, and power assignments, and other like information.³

MCRR states that it has developed the information in Mr. Larkin's Exhibits 1 and 3 through extensive efforts as part of its confidential business planning process for revitalizing the involved line. The railroad adds that disclosure of such information could harm it competitively or lead to harm to shippers named as potentially tendering it traffic.

The motion conforms with the Board's rules at 49 CFR 1104.14 governing requests for protective orders. Accordingly, MCRR's request for a protective order will be granted.

¹ These proceedings were consolidated in a decision served April 30, 1998.

² Although MCRR submitted a draft protective order with its motion, standard Board language will be used instead.

³ Annualized total traffic figures for each of the four involved line segments and the annualized total traffic for the entire line are not included in the confidentiality request.

It is ordered:

1. MCRR's motion for a protective order is granted. The information contained in Exhibits 1 and 3 to Mr. Larkin's verified statement submitted December 30, 1998, with the exception of segment-specific and overall annualized traffic projections, will be kept under seal and not placed in the public docket or otherwise disclosed to the public. No party to this proceeding shall disclose the confidential information or use it for any purpose outside of the proceedings before the Board.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary