

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33435

K. EARL DURDEN, RAIL MANAGEMENT & CONSULTING CORPORATION, AND
RAIL PARTNERS, L.P.--ACQUISITION OF CONTROL EXEMPTION--PENNINGTON
RAILROAD, INC.

PETITION FOR PROTECTIVE ORDER

Decided: August 18, 1997

On July 24, 1997, K. Earl Durden, Rail Management & Consulting Corporation, and Rail Properties, L.P. (collectively, applicants) filed a notice of exemption under 49 CFR 1180.2(d)(2) to acquire control of Pennington Railroad, Inc., a noncarrier. Persons filing a notice of exemption are required under 49 CFR 1180.4(g)(1) to submit certain supporting information, including the agreement required by 49 CFR 1180.6(a)(7)(ii).

Applicants filed a petition, pursuant to 49 CFR 1117.1, for leave to file their Agreement of Merger under seal, pending further order by the Board. They state that disclosure of the document could substantially harm the parties due to the confidential and commercially sensitive information contained therein.

The petition conforms with the Board's rule at 49 CFR 1104.14 governing requests for protective orders. For good cause shown, applicants' request to file the Agreement of Merger under seal will be granted.

It is ordered:

1. The petition for leave to file the Agreement of Merger under seal is granted. The Agreement of Merger will be kept under seal by the Board and not placed in the public docket or otherwise disclosed to the public.

2. This decision is effective on the service date.

Vernon A. Williams
Secretary