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ALJ

SERVICE DATE - MARCH 10, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42022

FMC WYOMING CORPORATION AND FMC CORPORATION
v.
UNION PACIFIC RAILROAD COMPANY

Decided: March 9, 1998

By petition filed on or about February 23, 1998, TUCO INC. (TUCO) seeks intervention in this proceeding for the sole purpose of contesting, as a third party, one of the discovery requests referred to the administrative law judge for decision. Oral argument on those requests will begin at 10:00 a.m., Tuesday, March 17, 1998, in a hearing room of the Federal Energy Regulatory Commission, at 888 First Street, N.E., Washington, D.C., as ordered by a decision served February 24, 1998,

The scheduling of that argument effectively reduces the time within which replies could be filed below the ordinary 20-day period. A decision to grant or deny within a shorter period is made discretionary by the terms of 49 CFR 1113.7(e).

TUCO has shown good cause for its intervention. It has demonstrated that it has a right to participate in this proceeding; that it has an interest that may be directly affected by the outcome of the argument described above; and that its interest is not adequately represented by any other party. The requirements of 49 CFR 1113.7(f) have been satisfied.

It is, therefore, ordered:

1. TUCO's petition is granted.
2. TUCO is granted intervention in this proceeding as a party, with the right to participate in the oral argument described above.

3. TUCO's participation will, however, be limited to the matter specifically described in its petition.
4. TUCO's intervention shall not be a basis for delaying or deferring any procedural step heretofore established.
5. TUCO must accept the record as developed before its intervention.

This decision is effective on the service date.

By the Board, Joseph R. Nancy, Administrative Law Judge.

Vernon A. Williams
Secretary