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SERVICE DATE - JUNE 18, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33381

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORP. UNDER 49 U.S.C.
24308(a)--SPRINGFIELD TERMINAL RAILWAY COMPANY, BOSTON AND
MAINE CORPORATION, AND PORTLAND TERMINAL COMPANY

Decided: June 17, 1997

By letter filed June 12, 1997, respondents Boston and Maine Corporation, et al. (B&M) have asked the Board to issue a subpoena for the deposition of Mr. Frank N. Wilner, a former Board employee who was employed in the Office of Vice Chairman Gus A. Owen. According to B&M, failure to depose Mr. Wilner "threatens to deprive the Board, Board Member Owen, and a reviewing court of a complete factual record on which to make or to review a decision on B&M's" motion asking Vice Chairman Owen to recuse himself from this proceeding.

In an order issued earlier today, Vice Chairman Owen denied the motion to recuse himself. In that order, Vice Chairman Owen stated that any positions that may have been taken by his former staff member as to B&M, or any other party to this matter, have had no effect on the Vice Chairman's ability to act impartially in this proceeding. As that order has addressed all of the issues relevant to the recusal motion, Mr. Wilner's deposition is unnecessary. B&M's request for a subpoena will therefore be denied.

It is ordered:

1. B&M's request for a subpoena is denied.
2. This decision is effective on its date of service.

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams
Secretary