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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33321]

Western Fuels Service Corporation--Acquisition and Operation  
Exemption--Burlington Northern Railroad Company

Western Fuels Service Corporation (WFSC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150, Subpart D to acquire and operate a rail line owned by Burlington Northern Railroad Company (BN). The line, located in Wyoming, extends from West Caballo Junction (milepost 14.9) to the following mines in the Powder River Basin: (1) Buckskin (milepost 9.5; 25 route miles); (2) Fort Union (milepost 6.0; 21 route miles); (3) Clovis Point (milepost 3.0; 18 route miles); Rawhide (milepost 9.5; 25 route miles); Eagle Butte (milepost 9.5; 25 route miles); and Dry Fork (milepost 7.9; 23 route miles).

WFSC states that it has not reached an agreement with BN to operate over BN's tracks between West Caballo Junction and the Powder River Basin mines, but that it is seeking such rights and authority in its pending complaint in Western Fuels Service Corporation v. Burlington Northern

Railroad Company, STB Docket No. 41987, to obtain access to terminal facilities under 49 U.S.C. 11102.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time.<sup>1</sup> The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33321, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Fredrick D. Palmer, Western Fuels Service Corporation, Suite 805, 4301 Wilson Blvd., Arlington, VA 22203-1860; and Peter Glaser, Doherty, Rumble, and Butler, PA, 1401 New York Ave., N.W., Washington, DC 20005.

Decided: January 7, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

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<sup>1</sup> On December 13, 1996, BN filed a petition to reject the notice of exemption or, in the alternative, for a declaration that the notice is void ab initio. WFSC filed a reply on December 31, 1996. The merits of the petition will be decided by the entire Board in a separate decision.

Vernon A. Williams

Secretary