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SEC

SERVICE DATE – LATE RELEASE MARCH 24, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42104

ENTERGY ARKANSAS, INC. AND ENTERGY SERVICES, INC.

v.

UNION PACIFIC RAILROAD COMPANY

AND

MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC.

Finance Docket No. 32187

MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC.

– LEASE, ACQUISITION AND OPERATION EXEMPTION –

MISSOURI PACIFIC RAILROAD COMPANY AND BURLINGTON NORTHERN
RAILROAD COMPANY

MOTION FOR PROTECTIVE ORDER

Decided: March 24, 2008

By complaint filed on February 19, 2008, in STB Docket No. 42104, Entergy Arkansas, Inc., and Entergy Services, Inc. (jointly, Entergy), allege that provisions of a lease between the Union Pacific Railroad Company (UP), successor to the rights of the Missouri Pacific Railroad Company (MP), and Missouri & Northern Arkansas Railroad Company, Inc. (MNA), unlawfully prevent MNA from interchanging Entergy's traffic with rail carriers other than UP. Entergy asks the Board to take remedial action under various provisions of the Board's statute. Alternatively, Entergy petitions the agency under 49 U.S.C. 10502(d) to remedy its concerns by revoking in part the exemption under which the lease was approved by the Board's predecessor agency in Missouri & Northern Arkansas Railroad Company, Inc. – Lease, Acquisition and Operation Exemption – Missouri Pacific Railroad Company and Burlington Northern Railroad Company, Finance Docket No. 32187 (ICC served Dec. 22, 1992). Entergy filed (1) a confidential version under seal of its complaint containing a copy of the lease between MP and MNA and a coal transportation contract between UP and Entergy and (2) a redacted public version of its complaint with a copy of the lease in its entirety but without the contract.

Entergy simultaneously filed a separate motion for a protective order. Entergy did not submit a draft protective order, stating for present purposes that it would be sufficient for the

Board to provide that it will keep the UP/Entergy contract, and the confidentially marked version of the document containing it, confidential.¹

Entergy's motion for a protective order will be granted, and we will order that the document that Entergy has marked "Confidential" be kept confidential.

It is ordered:

1. Entergy's motion for a protective order is granted, and the Board will keep Entergy's confidential version of its filing under seal and will not place it in the public docket or otherwise disclose it to the public.

2. This decision is effective on its date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary

¹ Entergy anticipates that one or more of the parties might subsequently file a motion for approval of a more detailed protective order as the discovery process proceeds.