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SEC

SERVICE DATE - AUGUST 26, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42022

FMC WYOMING CORPORATION AND FMC CORPORATION

v.

UNION PACIFIC RAILROAD COMPANY

Decided: August 25, 1999

By decision served July 2, 1999, the Board provided for filing of briefs, and requested the parties to respond to certain specific questions regarding the evidentiary record, and to provide documentation as to certain points. The parties filed their responses to the specific questions and their documentation on July 29, 1999, and their briefs on August 12, 1999.

On August 18, 1999, complainants FMC Wyoming Corporation and FMC Corporation (FMC) filed a petition for leave to file an attached reply to some of the July 29 responses filed by Union Pacific Railroad Company (UP). FMC's petition for leave to file the reply will be denied.

FMC's petition seeks in effect to institute another phase of briefing and argument. Our purpose in issuing the July 2 order, however, in addition to providing for briefs, was simply to obtain responses to specific, narrow questions regarding where in the record certain materials could be found. We did not ask for any additional evidence or argument, and we did not contemplate any responsive pleadings. If, as FMC contends, UP's July 29 responses contain substantive representations of fact, those representations will be disregarded by the Board in its deliberations.

It is ordered:

1. FMC's petition for leave to file a reply is denied and its reply is rejected.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary