

BEFORE THE
SURFACE TRANSPORTATION BOARD



UNION ELECTRIC COMPANY D/B/A
AMEREN MISSOURI and MISSOURI
CENTRAL RAILROAD COMPANY,

Complainants,

v.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

229326

Docket No. 42126

MISSOURI CENTRAL RAILROAD
COMPANY – ACQUISITION AND
OPERATION EXEMPTION – LINES OF
UNION PACIFIC RAILROAD COMPANY

and

GRC HOLDINGS CORPORATION –
ACQUISITION EXEMPTION – LINES OF
UNION PACIFIC RAILROAD COMPANY

Finance Docket No. 33508

229328

Finance Docket No. 33537

229324

PETITION FOR WAIVER OF SERVICE OBLIGATION

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*Attorneys for Ameren Missouri and Missouri
Central Railroad Company*

April 18, 2011

Lee's Summit, MO and other areas in and around Kansas City, MO. These residents' previously-stated objections have already been rejected by the Board and are not implicated in the lawfulness of the Labadie paper barrier. "The focus of the Cities' concern is the 24.8 mile 'west end,' between Pleasant Hill and Leeds Junction, over which MCRR would operate pursuant to trackage rights granted by UP." See STB decision served April 30, 1998.

In fact, the west end is approximately 200 miles from Labadie. In addition, a 5.6 mile section of the west end of the MCRR line was the subject of the recent abandonment and discontinuance of service proceeding. See Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – in Cass County, MO, Docket No. AB-1068X (STB served Dec. 27, 2010); Central Midland Railway Company – Discontinuance of Service and Operating Rights Exemption – in Cass County, MO, Docket No. AB-1070X (STB served Nov. 26, 2010). As part of that recent notice of abandonment and discontinuance of service in Docket No. AB-1068X, a public notice was published in a local newspaper in Cass County, MO (which includes the Kansas City Metropolitan area, including Lee's Summit), yet there were no filings by any party other than MCRR and the Missouri Department of Natural Resources (making a Trail Use Request). Thus, it appears that agency proceedings involving the MCRR line no longer attract the attention that the acquisition notice did in 1997.

Furthermore, due to large size of these service lists, the Board previously stated that service need not be made on the entire list. See F.D. 33508 and 33537, slip op. at 2 (n. 2) (STB served Jan. 27, 1998). Through inadvertence, Ameren/MCRR failed to serve its November 22, 2010 Complaint or its other recent filings on any portion of the service lists from these two dockets other than counsel for defendant UP. Service on the entire combined list from both dockets would serve little purpose other than consuming scarce litigation resources.

Given these factors, Ameren/MCRR respectfully request that the Board order that service for these two dockets be waived and that to the extent that service is deemed necessary by the Board, that Ameren/MCRR need only be made on the parties of record who are not residents of the Kansas City area. This group consists of:

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Ameren/MCRR will serve public versions of filings it has made in this proceeding, as determined by the Board, within three business days of the Board's decision clarifying this issue.

Ameren/MCRR respectfully request that the Board lift the service requirement for good cause as described above for the evaluation of the lawfulness of the Labadie paper barrier.

Respectfully submitted,



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April 18, 2011

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on April 18, 2011 on the parties listed below via e-mail and hand delivery.

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