

FD-30400

EC

SERVICE DATE

JUL 23 1984

INTERSTATE COMMERCE COMMISSION

DECISION No. 12

Finance Docket No. 30400

SANTA FE SOUTHERN PACIFIC CORPORATION - CONTROL - SOUTHERN
PACIFIC TRANSPORTATION COMPANY

Decided: July 17, 1984

Supplemental Petitions for Extension of Time

By Decision No. 11 served June 28, 1984, we granted the Union Pacific Railroad Company and Missouri Pacific Railroad Company (collectively UP/MP), the Denver and Rio Grande Western Railroad Company (DRGW), the Missouri-Kansas-Texas Railroad Company (MKT), and the Kansas City Southern Railway Company (KCS) extensions of time to complete their responsive applications in this proceeding. The initial responsive filings are due July 19th, and the applications were ordered to be completed by August 20th.

Prior to the issuance of Decision No. 11, UP/MP, MKT, KCS, the Texas Mexican Railway Company(TM) and Mazda Motors of America (Central), Inc. (MMA) filed a petition asking us to set September 10th as a common date for the completion of applications, which would be approximately 90 days from the date the primary applicants produced traffic data and other information needed to prepare their responsive applications. After the issuance of Decision No. 11, UP/MP, MKT, KCS, TM, and MMA supplemented their earlier joint petition and argued that because the 1983 traffic data required of applicants was not available as of June 29th, the August 20th completion date set by Decision No. 11 is inadequate. They reaffirm their request that September 10th be set as the date for completion of responsive applications.*

Applicants have replied. They argue that the traffic data required by protestants is essentially available, and that the several problems with the data are easily remedied and should not excuse protestants from completing their applications by August 20th.

We recognize the difficulties that all parties face in providing and analyzing complex data that may appear in unfamiliar formats. Because we agree with protestants that the evidence they are required to assemble (operating, costing, financial, and environmental) depends largely on a traffic analysis, and because we want to encourage the parties to present the best evidence possible, we will grant protestants' request for a further extension of time to complete their responsive applications to September 10, 1984. However, the responsive applications filed on July 19, 1984, shall be as complete as possible.

*/ On July 9th, DRGW responded to the supplemental petition of the other parties, stating that it does not oppose the request for further extension although it did not join in the petition. DRGW asserts that it could be prejudiced if it had to complete its application before the other parties. We will grant DRGW's request that it be treated the same as other responsive applicants.

