

FINANCE-30400

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INTERSTATE COMMERCE COMMISSION

DECISION NO. 33

SERVICE DATE

Finance Docket No. 30400

JAN 6 1988

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

Decided: January 4, 1988

On December 30, 1987, Santa Fe Southern Pacific Corporation (SFSP) filed a plan of divestiture and report in this matter. Pursuant to previous decisions, see Santa Fe S.P. Corp. - Con. - Southern Pacific Transp. Co. 2 I.C.C.2d 709 (1986) (SFSP Denial), and decisions served July 2 and August 4, 1987, SFSP was required to file a plan of divestiture that describes the approach and procedures to accomplish divestiture of one of its transportation companies, and quarterly reports on its progress. On September 4, 1987, SFSP filed an initial plan that described several approaches to divestiture that it was considering, and stated that it planned to divest the Southern Pacific Transportation Company (SPT) rather than The Atchison, Topeka and Santa Fe Railway Company (ATSF). SFSP also reported on the financial and operating condition of the SPT, as required in SFSP Denial. SFSP's filings have been timely and have complied with our decisions of July 2 and August 4, 1987, and SFSP Denial.

The December 30, 1987, divestiture filing states that SFSP has decided to sell all of its stock in SPT to SPTC Holding, Inc. (SPTC Holding), a subsidiary of Rio Grande Industries (Rio Grande), parent of the Denver and Rio Grande Western Railroad (DRGW). Recognizing that this transaction will be subject to Commission jurisdiction under 49 U.S.C. 11343 et seq., SFSP states that Rio Grande plans to file an application for approval of the consolidation shortly. 1/ The Commission plans to act promptly in processing the application, which will be assigned Finance Docket No. 32000.

We retain jurisdiction over the divestiture process, and intend to address any and all divestiture issues contemporaneously in consolidated proceedings with Finance Docket No. 32000. We do not plan to issue any further order or decision concerning divestiture separately under Finance Docket 30400. We will issue future orders and decisions, procedural and substantive, in the consolidated proceedings under Finance Docket No. 32000, which will embrace Finance Docket No. 30400 divestiture matters. We anticipate issuing for public comment a notice of proposed procedural schedule in Finance Docket No. 32000 shortly. SFSP is to be commended for its prompt and timely response to our divestiture order in Finance Docket No. 30400.

It is ordered:

1. The divestiture plan filed December 30, 1987 by the SFSP is hereby formally acknowledged.
2. Jurisdiction over divestiture is retained pending consideration in consolidation with proceedings on the application to be filed in Finance Docket No. 32000.

1/ On December 31, 1987, Rio Grande, DRGW and SPTC Holding filed a notice of intent to file an application and a petition for waiver to enable them to file their application on or before February 22, 1988.

3. Finance Docket No. 32000 will henceforth embrace divestiture matters arising out of Finance Docket No. 30400.

4. This decision is effective on the date served.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

(SEAL)

Noreta R. McGee
Secretary