

FD 30400

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SERVICE DATE

FEB 21 1986

INTERSTATE COMMERCE COMMISSION

ORDER

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FINANCE DOCKET NO. 30400*

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

Because Administrative Law Judge James E. Hopkins no longer is available to the Agency,

It is ordered: That this matter is assigned to Administrative Law Judge Paul S. Cross.

By the Commission, David H. Allard, Chief Administrative Law Judge, on February 19, 1986.

JAMES H. BAYNE
Secretary

(SEAL)

* Embraces F.D. Nos. 30400 (Sub-No. 1-20 and MC-F-15628).

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SERVICE DATE
FEB 24 1986

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INTERSTATE COMMERCE COMMISSION

DECISION

FINANCE DOCKET NO. 30400*

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

Decided: February 20, 1986

By decision served January 30, 1986, the Commission established a schedule for the submission of evidence relevant to issues raised by a "settlement agreement" between the Santa Fe Southern Transportation Corporation, the Atchison, Topeka and Santa Fe Railway Company, the Southern Pacific Transportation Company (applicants) and the Burlington Northern Railroad Company (BN). Among other procedural matters, the Commission's decision provides that requests for cross-examination of witnesses offering evidence concerning the "agreement" between applicants and the BN must be directed to the Chief Administrative Law Judge (CALJ).

By an order dated February 19, 1986, the CALJ confirmed a delegation of responsibility for the handling of the matter to the undersigned. (The prior Administrative Law Judge assigned to these proceedings is retired from Government service and is not available).

Pursuant to a February 18, 1986, informal discovery conference sought by the Missouri-Kansas-Texas Railroad Company at which I assisted, it was agreed on the record by all of the active parties that any necessary cross-examination of witnesses offering evidence relative to the "agreement" would be held on March 10, 1986.

Because of time constraints established by the Commission's decision of January 30, 1986, the parties have a responsibility to communicate by telephone looking toward the scheduling of potential witnesses for the hearing session.

Accordingly, hearing, as required by the needs of the parties is set for 10:30 A.M. on March 10, 1986, at Washington, DC, Offices of the Interstate Commerce Commission, 12th & Constitution Avenue, NW.

Paul S. Cross
By Paul S. Cross, Administrative Law Judge, on February 20, 1986.

JAMES H. BAYNE
Secretary

(SEAL)

* Embraces F.D. Nos. 30400 (Sub-No. 1-20 and MC-F-15628).

3392

SERVICE DATE
MAR 5 1986

ORDER

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 30400 */

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

Decided: March 3, 1986

By decision served January 30, 1986, the Commission established a schedule for submission of evidence relevant to issues raised by the BN-SPSF Agency-Solicitation Agreement submitted by Applicants and BN on December 5, 1985. In a conference telephone call on February 27, 1986, involving the undersigned and counsel for Applicants, BN and KCS, all remaining disputes with respect to discovery related to the Agency-Solicitation Agreement were resolved, and certain procedures agreed upon for possible submission of documents produced in discovery after the established due dates for verified statements.

In this regard, any party which seeks to offer into evidence documents produced on or after February 27, 1986, shall give notice of such intention to the party which produced the document no later than March 10, and the producing party shall promptly make known any objections which it may have to the documents' admissibility. Any such documents as to which no objections are raised, or as to which objections have been overruled, should be appended to the moving party's supplemental brief due on March 13 and will thereby be received into evidence.

Coordinating counsel for Applicants (Paul Moates at (202) 429-4175) and Coordinating counsel for Protestants (Robert Kharasch at (202) 342-5230) are to coordinate any requests for cross-examination on statements filed pursuant to the Commission's January 30, 1986, decision and to report

* Embraces F. D. Nos. 30400 (Sub-No. 1-20) and MC-F-15628.

to the undersigned as soon as possible whether there is any need for the hearing tentatively scheduled for March 10, 1986.

Paul S. Cross
By Paul S. Cross, Administrative Law Judge, on
March 3, 1986.

JAMES H. BAYNE
Secretary

(SEAL)