

STB FD 32760 (Sub 26) 9-29-98 A 191390

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SCOTT M. ZIMMERMAN

September 29, 1998

BY HAND

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street
Washington, D.C. 20423

ENTERED
Office of the Secretary

SEP 30 1998

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Public Record

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Re: Houston/Gulf Coast Oversight, Finance Docket No. 32760 (Sub-No. 26 et al.)

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding is the original and 25 copies of TM-19, "Errata to the Consensus Plan." Also enclosed is a computer disk containing the text of this pleading in WordPerfect 5.0.

Please date-stamp and return with our messenger the additional enclosed three copies of this pleading.

Sincerely,

Scott M. Zimmerman

Enclosures

ENTERED
Office of the Secretary

SEP 30 1998

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 32760 (Sub-Nos. 26-32)

ORIGINAL

TM-19



**UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY
AND MISSOURI PACIFIC RAILROAD COMPANY**

-- CONTROL AND MERGER --

**SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC
TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY
COMPANY, SPCSL CORP. AND THE DENVER
AND RIO GRANDE WESTERN RAILROAD COMPANY**

HOUSTON/GULF COAST OVERSIGHT

ERRATA TO THE CONSENSUS PLAN

Tex Mex hereby submits the following errata to the Consensus Plan (TM-2, KCS-2, et al.) filed on July 8, 1998 by the Consensus Partners (the Chemical Manufacturers Association, the Society of the Plastics Industry, Inc., the Railroad Commission of Texas, the Texas Chemical Council, the Kansas City Southern Railway Company, and Tex Mex) in the Houston/Gulf Coast Oversight proceeding.

In preparing TM-17, Tex Mex's response and objections to the application for additional remedial conditions sought by the Burlington Northern and Santa Fe Railway Company, it was discovered that certain trackage rights car miles between Corpus Christi and Houston inadvertently were excluded from the rail traffic data from which the Base Case and Consensus Plan economic scenarios were derived. This omission caused a slight increase in the costs reflected under the Base Case, which in turn required a slight adjustment to the Consensus Plan economic evaluation. These adjustments were incorporated in the Base Case and Consensus

Plan economic data in the verified statement of Joseph J. Plaistow in TM-17, filed on September 18, 1998.¹

The following errata incorporate the same adjustments in the July 8, 1998 Consensus Plan filing.² These errata do not change, in any substantive way, the conclusions or analysis set forth in the Consensus Plan.

ERRATA

Page 257, Table 1

In the "1996 to Base Case" line, replace "\$4,389" with "\$4,863", and replace "\$4,384" with "\$3,910";

In the "Base Case to Consensus Plan" line, replace "39,551" with "39,083", and replace "15,793" with "15,325";

Page 259, Table 3

In the "1996 to Base Case" line, replace "\$4,389" with "\$4,863", and replace "\$4,384" with "\$3,910";

In the "Base Case to Consensus Plan" line, replace "39,551" with "39,083", and replace "15,793" with "15,325";

Page 274

Replace Exhibit No. JJP-3 with the attached revised Exhibit No. JJP-3;

Page 275

Replace Exhibit No. JJP-4 with the attached revised Exhibit No. JJP-4;

¹ See TM-17, Plaistow V.S. at 5, n.1. Hence, the exhibits to Mr. Plaistow's verified statement in TM-17 refer to the "revised" Base Case and Consensus Plan.

² Corresponding adjustments also would have been necessary to the Base Case economic data presented by Mr. Plaistow in TM-7/KCS-7, the Joint Petition of Tex Mex and KCS for the imposition of additional remedial conditions, filed on March 30, 1998 in Finance Docket No. 32760 (Sub-No. 21) (The "March 30 request"). However, formal errata to the Base Case numbers in Mr. Plaistow's testimony in that filing, and the recalculations that would be required to incorporate those revised Base Case numbers into Mr. Plaistow's economic analysis of the March 30 request, have been rendered moot, insofar as the economic analysis in the July 8 Consensus Plan supercedes that of the March 30 request.

Page 276

Replace Exhibit No. JJP-5 with the attached revised Exhibit JJP-5;

Page 277

Replace Exhibit No. JJP-6 with the attached revised Exhibit No. JJP-6;

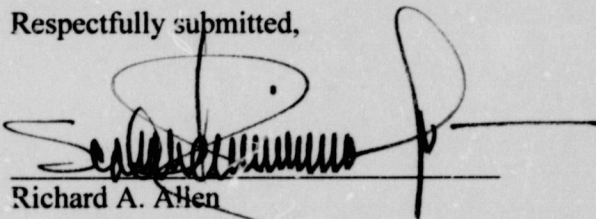
Page 278

Replace Exhibit No. JJP-7 with the attached revised Exhibit No. JJP-7;

Page 279

Replace Exhibit No. JJP-8 with the attached revised Exhibit No. JJP-8.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard A. Allen", is written over a horizontal line. The signature is stylized with a large, looped initial "R" and a long, sweeping horizontal stroke at the end.

Richard A. Allen
Scott M Zimmerman
ZUCKERT, SCOUTT & BASENBERGER, LLP
888 Seventeenth Street, NW
Suite 600
Washington, D.C. 20006
(202) 298-8660

Attorneys for the Texas Mexican Railway Company

Dated: September 29, 1998

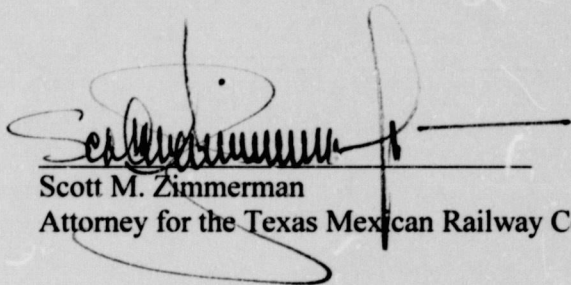
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing "Errata to the Consensus Plan" was served this 29th day of September, 1998, by hand delivery upon The Honorable Stephen Grossman, by hand delivery upon the below-named counsel for Burlington Northern Santa Fe and Union Pacific, respectively:

Erika Z. Jones
Adrian L. Steel, Jr.
Kathryn A Kusske
Kelley E. O'Brien
Mayer, Brown & Platt
2000 Pennsylvania Avenue, N.W.
Washington, DC 20006

Arvid E. Roach II
J. Michael Hemmer
David L. Meyer
Michael L. Rosenthal
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, DC 20044-7566

and by first class mail upon all other parties of record in the Houston/Gulf Coast Oversight proceeding, Finance Docket No. 32760 (Sub-No. 26 *et al.*).



Scott M. Zimmerman
Attorney for the Texas Mexican Railway Company

**Base Case
Balance Sheet
(Revised)**

Exhibit No. JJP-3
July 8, 1998

The Texas Mexican Railway Company

Description	December 31, 1996	Adjustment	Adjusted Base
	Audited	Amount	Period
	(000s)	(000s)	Amount
	(a)	(b)	(c)
Assets			
Current Assets:			
1 Cash and cash equivalents	\$ 392	\$ 1,679	\$ 2,071
2 Investments	572		572
3 Net Accounts and Notes Receivable	6,663	168	6,831
4 Inventory	1,562		1,562
5 Due from Parent and Other related parties	912		912
6 Current deferred income taxes	984		984
7 Other	590		590
8 Total Current Assets	\$ 11,675	\$ 1,847	\$ 13,522
Properties:			
9 Equipment	23,481		23,481
10 Land, Buildings & improvements	18,931	13,643	32,574
11 Less accumulated depreciation	(17,870)	(222)	(18,092)
12 Net Properties	\$ 24,542	\$ 13,421	\$ 37,963
Other Assets:			
13 Investments in other partnership	3,889		3,889
14 Net other assets	1,099		1,099
15 Total Other Assets	\$ 4,988	\$ -	\$ 4,988
16 Total Assets	\$ 41,205	\$ 15,268	\$ 56,473
Liabilities & Equities			
17 Accounts Payable	\$ 1,912	\$ 487	\$ 2,399
18 Due to Parent and other related parties	410		410
19 Other accrued liabilities	4,344	1,034	5,378
20 Total current liabilities	\$ 6,666	\$ 1,521	\$ 8,187
21 Long Term Debt	3,800	11,524	15,324
22 Deferred Income Taxes	5,203		5,203
23 Total liabilities	\$ 15,669	\$ 13,046	\$ 28,715
Stockholder's equity:			
24 Common Stock	2,500		2,500
25 Additional paid in capital	981		981
26 Retained earnings	22,055	2,223	24,278
27 Total Stockholder's equity	\$ 25,536	\$ 2,223	\$ 27,759
28 Total Liabilities & Equity	\$ 41,205	\$ 15,268	\$ 56,473

**Base Case
Income Statement
(Revised)**

Exhibit No. JJP-4
July 8, 1998

The Texas Mexican Railway Company

<u>Description</u>	<u>December 31, 1996 Audited</u> (000s) (c)	<u>Adjustment Amount</u> (000s) (d)	<u>Adjusted Base Period Amount</u> (000s) (e)
Operating Revenues:			
1 Freight	\$ 18,107	9,032	\$ 27,139
2 Switching	554	276	830
3 Demurrage	550	274	824
4 Incidental	603	301	904
5 Uncollectible Accounts	(480)	(239)	(719)
6 Total Operating Revenues	<u>19,334</u>	<u>9,644</u>	<u>28,978</u>
Operating Expenses:			
7 Maintenance of Way & Structures	2,294	-	2,294
8 Maintenance of Equipment	1,720	931	2,651
9 Transportation	9,403	3,994	13,397
10 General & Administrative	3,343	388	3,731
11 Depreciation Expense	1,577	222	1,799
12 Loss (Gain) On Sale of Fixed Assets	25	(25)	-
13 Total Operating Expenses	<u>\$ 18,362</u>	<u>\$ 5,510</u>	<u>\$ 23,872</u>
14 Income (Loss) From Operations	\$ 972	\$ 4,135	\$ 5,107
15 Other Income & Expense Net	636	(878)	(242)
16 Income (Loss) before Income Taxes	<u>1,608</u>	<u>3,256</u>	<u>4,864</u>
17 Income Tax Rate			34%
18 Income Taxes	620	1,034	1,654
19 <u>Net Income (Loss)</u>	<u>\$ 988</u>	<u>\$ 2,223</u>	<u>\$ 3,210</u>

Base Case
Sources and Applications of Funds
(Revised)

Exhibit No. JJP-5
 July 8, 1998

The Texas Mexican Railway Company

Description	December 31, 1996 Audited (000s) (a)	Adjustment Amount (000s) (b)	Base Period Adjusted (000s) (c)
<u>From Operating Activities:</u>			
1 Net Income (Loss)	\$ 988	2,223	3,210
2 Depreciation	1,577	222	1,799
3 Deferred Income Taxes	620	-	620
4 Equity Earnings - Partnership Investment	(477)		(477)
5 Dividend Distribution - Partnership Investment	556		556
6 Change in current assets - (Increase) or Decrease	(899)	(168)	(1,067)
7 Change in current liabilities - Increase or (Decrease)	(988)	1,521	533
8 Change in amounts due to/from parent and other related parties - Increase or (Decrease)	498		498
9 Net Cash Provided by Operating Activities	<u>1,875</u>	<u>3,797</u>	<u>\$ 5,672</u>
<u>From Investing Activities:</u>			
10 Purchases of Equipment & Improvements, net of gain or loss on disposition of fixed assets	(2,011)	(13,643)	\$ (15,654)
11 Proceeds from sale of investments	1,224		1,224
12 Investment in Long Term Assets	(1,099)		(1,099)
13 Net Cash Used by Investing Activities	<u>\$ (1,886)</u>	<u>\$ (13,643)</u>	<u>\$ (15,529)</u>
<u>From Financing Activities:</u>			
14 Long Term Debt Borrowings	-	11,524	11,524
15 Net Cash Provided by Financing Activities	<u>-</u>	<u>\$ 11,524</u>	<u>\$ 11,524</u>
16 Increase (Decrease) in Cash & Cash Equivalents	\$ (11)	\$ 1,679	\$ 1,668
17 Cash & Cash Equivalents at Beginning of Year	403		403
18 Cash & Cash Equivalents at End of Year	<u>\$ 392</u>	<u>\$ 1,679</u>	<u>\$ 2,071</u>

**Consensus Plan
Balance Sheet
(Revised)**

Exhibit No. JJP-6
July 8, 1998

The Texas Mexican Railway Company

Description:	Adjusted Base Period Amount	Adjustment Amount	Year 1 After Change in Operations	Adjustment Amount	Year 2 After Change in Operations	Adjustment Amount	Year 3 After Change in Operations	Adjustment Amount	Normal Year After Change in Operations
	(000s)	(000s)	(000s)	(000s)	(000s)	(000s)	(000s)	(000s)	(000s)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
Assets									
Current Assets:									
1 Cash and cash equivalents	\$ 2,071	\$ (1,719)	\$ 353	\$ 13,454	\$ 13,807	\$ 9,770	\$ 23,577	\$ 12,749	\$ 36,325
2 Investments	572		572		572		572		572
3 Net Accounts and Notes Receivable	6,831	155	6,986	775	7,761	103	7,864	-	7,864
4 Inventory	1,562		1,562		1,562		1,562		1,562
5 Due from Parent and Other related parties	912		912		912		912		912
6 Current deferred income taxes	984		984		984		984		984
7 Other	590		590		590		590		590
8 Total Current Assets	\$ 13,522	\$ (1,564)	\$ 11,959	\$ 14,229	\$ 26,188	\$ 9,873	\$ 36,061	\$ 12,749	\$ 48,809
Properties:									
9 Equipment	23,481		23,481		23,481		23,481		23,481
10 Land, Buildings & improvements	32,574	129,462	162,036	-	162,036	-	162,036	-	162,036
11 Less accumulated depreciation	(18,092)	(3,772)	(21,863)	(5,744)	(27,608)	(5,744)	(33,352)	(5,744)	(39,096)
12 Net Properties	\$ 37,963	\$ 125,691	\$ 163,653	\$ (5,744)	\$ 157,909	\$ (5,744)	\$ 152,165	\$ (5,744)	\$ 146,421
Other Assets:									
13 Investments in other partnership	3,889		3,889		3,889		3,889		3,889
14 Net other assets	1,099		1,099		1,099		1,099		1,099
15 Total Other Assets	\$ 4,988	\$ -	\$ 4,988	\$ -	\$ 4,988	\$ -	\$ 4,988	\$ -	\$ 4,988
16 Total Assets	\$ 56,473	\$ 124,127	\$ 180,600	\$ 8,485	\$ 189,085	\$ 4,129	\$ 193,214	\$ 7,004	\$ 200,218
Liabilities & Equities									
17 Accounts Payable	\$ 2,399	\$ 610	\$ 3,009	\$ 2,881	\$ 5,891	\$ 376	\$ 6,266	\$ (282)	\$ 5,984
18 Due to Parent and other related parties	410	2,000	2,410	(1,000)	1,410	(1,000)	410		410
19 Other accrued liabilities	5,378	(3,371)	2,007	3,834	5,841	712	6,553	1,112	7,665
20 Total current liabilities	\$ 8,187	\$ (761)	\$ 7,426	\$ 5,716	\$ 13,142	\$ 87	\$ 13,230	\$ 830	\$ 14,059
21 Long Term Debt	15,324	128,221	143,546	(1,342)	142,204	(1,450)	140,753	(1,475)	139,278
22 Deferred Income Taxes	5,203		5,203		5,203		5,203		5,203
23 Total liabilities	\$ 28,715	\$ 127,460	\$ 156,175	\$ 4,374	\$ 160,549	\$ (1,363)	\$ 159,186	\$ (646)	\$ 158,540
Stockholder's equity:									
24 Common Stock	2,500		2,500		2,500		2,500		2,500
25 Additional paid in capital	981		981		981		981		981
26 Retained earnings	24,278	(3,333)	20,945	4,110	25,055	5,492	30,547	7,650	38,197
27 Total Stockholder's equity	\$ 27,759	\$ (3,333)	\$ 24,426	\$ 4,110	\$ 28,536	\$ 5,492	\$ 34,028	\$ 7,650	\$ 41,678
28 Total Liabilities & Equity	\$ 56,473	\$ 124,127	\$ 180,600	\$ 8,485	\$ 189,085	\$ 4,129	\$ 193,214	\$ 7,004	\$ 200,218

**Consensus Plan
Income Statement
(Revised)**

Exhibit No. JJP-7
July 8, 1998

The Texas Mexican Railway Company

Description	Adjusted Base Period Amount (000s) (a)	Adjustment Amount (000s) (b)	Year 1 After Change in Operations (000s) (c)	Adjustment Amount (000s) (d)	Year 2 After Change in Operations (000s) (e)	Adjustment Amount (000s) (f)	Year 3 After Change in Operations (000s) (g)	Adjustment Amount (000s) (h)	Normal Year After Change in Operations (000s) (i)
Operating Revenues:									
1 Freight	\$ 27,139	\$ 8,302	\$ 35,441	\$ 41,508	\$ 76,948	\$ 5,534	\$ 82,483	\$ -	\$ 82,483
2 Switching	830	254	1,084	1,270	2,354	169	2,524	-	2,524
3 Demurrage	824	252	1,077	1,261	2,337	168	2,505	-	2,505
4 Incidental	904	276	1,180	1,382	2,563	184	2,747	-	2,747
5 Uncollectible Accounts	(719)	(201)	(921)	(1,006)	(1,926)	(134)	(2,060)	-	(2,060)
6 Total Operating Revenues	28,978	8,883	37,861	44,415	82,277	5,922	88,199	-	88,199
Operating Expenses:									
7 Maintenance of Way & Structures	2,294	384	2,678	491	3,169	-	3,169	-	3,169
8 Maintenance of Equipment	2,651	931	3,581	4,654	8,235	621	8,856	-	8,856
9 Transportation	13,397	5,204	18,601	25,460	44,051	3,347	47,407	(3,075)	44,332
10 General & Administrative	3,731	129	3,861	809	4,670	129	4,799	-	4,799
11 Depreciation Expense	1,799	1,973	3,772	1,973	5,744	-	5,744	-	5,744
12 Loss (Gain) On Sale of Fixed Assets	-	-	-	-	-	-	-	-	-
13 Total Operating Expenses	\$ 23,872	\$ 8,621	\$ 32,493	\$ 33,386	\$ 65,879	\$ 4,096	\$ 69,975	\$ (3,075)	\$ 66,900
14 Income (Loss) From Operations	\$ 5,107	\$ 262	\$ 5,369	\$ 11,029	\$ 16,398	\$ 1,826	\$ 18,223	\$ 3,075	\$ 21,298
15 Other Income & Expense Net	\$ (242)	\$ (10,176)	\$ (10,419)	\$ 249	\$ (10,170)	\$ 267	\$ (9,902)	\$ 195	\$ (9,707)
16 Income (Loss) before Income Taxes	4,864	(9,914)	(5,050)	11,278	6,228	2,093	8,321	3,270	11,591
17 Income Tax Rate	34%		34%		34%		34%		34%
18 Income Taxes	1,654	(3,371)	(1,717)	3,834	2,117	712	2,829	1,112	3,941
19 Net Income (Loss)	\$ 3,210	\$ (6,543)	\$ (3,333)	\$ 7,443	\$ 4,110	\$ 1,381	\$ 5,492	\$ 2,158	\$ 7,650

**Consensus Plan
Sources and Applications of Funds
(Revised)**

Exhibit No. JJP-8
July 8, 1998

The Texas Mexican Railway Company

Description	Base Period Adjusted (000s) (a)	Year 1 After Change in Operations (000s) (b)	Year 2 After Change in Operations (000s) (c)	Year 3 After Change in Operations (000s) (d)	Normal Year After Change in Operations (000s) (e)
From Operating Activities:					
1 Net Income (Loss)	3,210	(3,333)	4,110	5,492	7,650
2 Depreciation	1,799	3,772	5,744	5,744	5,744
3 Deferred Income Taxes	620	-	-	-	-
4 Equity Earnings - Partnership Investment	(477)	-	-	-	-
5 Dividend Distribution - Partnership Investment	556	-	-	-	-
6 Change in current assets - (Increase) or Decrease	(1,067)	(155)	(775)	(103)	-
7 Change in current liabilities - Increase or (Decrease)	533	(2,761)	6,716	1,087	830
8 Change in amounts due to/from parent and other related parties - Increase or (Decrease)	498	2,000	(1,000)	(1,000)	-
9 Net Cash Provided by Operating Activities	\$ 5,672	\$ (477)	\$ 14,796	\$ 11,220	\$ 14,224
From Investing Activities:					
10 Purchases of Equipment & Improvements, net of gain or loss on disposition of fixed assets	\$ (15,654)	\$ (129,462)	\$ -	\$ -	\$ -
11 Proceeds from sale of investments	1,224	-	-	-	-
12 Investment in Long Term Assets	(1,099)	-	-	-	-
13 Net Cash Used by Investing Activities	\$ (15,529)	\$ (129,462)	\$ -	\$ -	\$ -
From Financing Activities:					
14 Long Term Debt Borrowings	11,524	128,221	(1,342)	(1,450)	(1,475)
15 Net Cash Provided by Financing Activities	\$ 11,524	\$ 128,221	\$ (1,342)	\$ (1,450)	\$ (1,475)
16 Increase (Decrease) in Cash & Cash Equivalents	\$ 1,668	\$ (1,719)	\$ 13,454	\$ 9,770	\$ 12,749
17 Cash & Cash Equivalents at Beginning of Year	403	2,071	352	13,807	23,576
18 Cash & Cash Equivalents at End of Year	\$ 2,071	\$ 352	\$ 13,807	\$ 23,576	\$ 36,325

STB FD 32760 (Sub 26) 7-15-98 A 189846

MAYER, BROWN & PLATT

2000 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20006-1882

ERIKA Z. JONES

DIRECT DIAL (202) 778-0642

ejones@mayerbrown.com

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JUL 15 1998
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STB

MAIN TELEPHONE

202-463-2000

MAIN FAX

202-861-0473

July 15, 1998

VIA HAND DELIVERY

ENTERED
Office of the Secretary

Office of the Secretary
Surface Transportation Board
Case Control Unit
1925 K Street, N.W.
Washington, DC 20423-0001

JUL 16 1998

Part of
Public Record

Re: Finance Docket No. 32760 (Sub-No. 26 and 29)

Dear Secretary Williams:

189846

189847

Enclosed please find the original verification for Dynegy whose verified letter of support was filed as part of The Burlington Northern and Santa Fe Railway Company's Application for Additional Remedial Conditions Regarding the Houston/Gulf Coast Area on July 8, 1998.

If you have any questions, please contact me at (202) 778-0642. Thank you.

Sincerely,

Erika Z. Jones / KAK

Erika Z. Jones

Enclosure

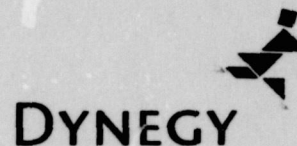
CHICAGO BERLIN COLOGNE HOUSTON LONDON LOS ANGELES NEW YORK WASHINGTON

INDEPENDENT MEXICO CITY CORRESPONDENT: JAUREGUI, NAVARRETE, NADER Y ROJAS

INDEPENDENT PARIS CORRESPONDENT: LAMBERT ARMENIADES & LEE

Dynegey Inc
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Houston, Texas 77002
Phone 713.07.6400
www.dynegey.com

The Honorable Vernon A. Williams
Secretary
1925 K Street, NW
Washington, D.C. 20423



Re: Finance Docket No. 32760 (Sub-No. 26)

Dear Mr. Williams;

This verified statement is being submitted in support of the request of the Burlington Northern and Santa Fe Railway Companies (BNSF) request that the Surface Transportation Board establishes neutral switching supervision on the Baytown Branch.

I, Janice Rowland, Rail Operations Supervisor represents Dynegey Inc. (formally Warren Petroleum), who in Mont Belvieu Texas stores, manufactures, and sells LPG products out of our facility there. We have our own fleet of cars plus customers cars that come in and out of our facility. We currently handle around 300 cars a year. Our Facility is located on the Baytown branch on the line coming out of Dayton, Texas. We have a limited area for trains and rail cars so it is important that the carrier be consistent and reliable.

We foresee a neutral switching operation would improve the efficiency of operations by reducing the congestion that potentially could happen with two carriers switching. Also with a neutral switcher we can expect that all the cars will be pulled and we can prioritize with confidence.

We expect our business at Mount Belvieu to continue to grow in the future. The installation of a neutral party to supervise switching of the branch would provide a long-term solution to our need of efficient and competitive service.

I certify under penalty of perjury that the foregoing statement is true and accurate to the best of my belief.

Sincerely,

Janice Rowland
Rail Operations Supervisor
Dynegey Inc.