

Public & Media Advisory: Surface Transportation Board Advises that March 21 Voting Conference to Begin at 9:30 a.m., Announces Cases To Be Addressed, & Provides Instructions for Public & Media Attendance

Surface Transportation Board (Board) Chairman Roger Nober today announced that the Board's **March 21, 2003** open voting conference, in which the Board will vote in public on several transportation cases, will begin at **9:30 a.m.** (one-half hour earlier than originally announced), listed the cases to be addressed in the conference, and provided instructions for public and media attendance.

Instead of beginning at 10:00 a.m. Friday, March 21, as originally scheduled (see Surface Transportation "News" release 03-8 issued February 19, 2003), the conference will begin at **9:30 a.m. EST** on Friday, March 21, in Room 760, the Board's hearing room, on the 7th Floor at the agency's headquarters in the Mercury Building, 1925 K Street, N.W. (on the northeast corner of the intersection of 20th and K Sts.), Washington, D.C. While the public is invited to attend the voting conference, no public participation will be allowed.

THE CONFERENCE ITEMS ARE:

- STB Docket No. 42054, *PPL Montana, LLC v. The Burlington Northern and Santa Fe Railway Company*. At issue is a PPL Montana, LLC (PPL) petition asking the Board to reconsider its 2002 decision in this case finding that PPL had failed to demonstrate that certain "Burlington Northern" railroad rates for the transportation of coal from the Powder River Basin of Wyoming and Montana to PPL's Corette electricity generating plant at Billings, MT, were unreasonably high.
- STB Docket No. 42056, *Texas Municipal Power Agency v. The Burlington Northern and Santa Fe Railway Company*. At issue is the reasonableness of the rates charged by "Burlington Northern" for the transportation of coal from certain mine origins in Wyoming's Powder River Basin to "Texas Municipal Power's" Gibbons Creek Steam Electric Station at Iola, near Carlos, Texas.
- STB Ex Parte No. 42069, *Duke Energy Corporation v. Norfolk Southern Railway Company*. At issue in this complaint case challenging the reasonableness of rates charged by the Norfolk Southern Railway Company (NS) for the transportation of coal from Kentucky, Virginia, and West Virginia to the Duke Energy Corporation's (Duke Energy) electricity-generating plants at Belmont, Walnut Cove, Spencer, and Eden, North Carolina, is whether the Board should reject NS's filing of certain transport statistical data, on the ground that it was submitted too late.
- STB Ex Parte No. 42070, *Duke Energy Corporation v. CSX Transportation, Inc.* At issue in this complaint case challenging the reasonableness of rates charged by CSX Transportation, Inc. (CSX) for the transportation of coal from Kentucky, Virginia, and West Virginia to the Duke Energy Corporation's (Duke Energy) electricity-generating plants at Brice and Riverbend, North Carolina and Pelzer, South Carolina, is whether the Board should strike portions of Duke Energy's rebuttal evidence filed in the case, on the ground that it was submitted too late.
- STB Ex Parte No. 589, *Calculation of Variable Costs in Rate Complaint Proceedings Involving Non-Class I Railroads*. At issue in this Board-instituted proceeding is how best to determine variable costs (costs varying depending on the level of service provided) in rate complaint proceedings involving smaller railroads.
- STB Section 5a Application No. 118 (Sub-No. 2), *9 EC-MAC Motor Carriers Service Association, Inc., et al.* At issue is the Board's reconsideration of its earlier decision conditioning the agency's continued approval of trucking-company rate bureau agreements on a requirement that bureau members furnish a "truth-in-rates" notice to shippers disclosing the range of discounts provided to shippers by bureau members, and that they not use loss-of-discount penalties for shipper late payment.
- STB Section 5a Application No. 61 (Sub-No. 6), *National Classification Committee--Agreement*. At issue is whether or not a revised agreement of the National Classification Committee (NCC), whose members discuss and establish trucking freight classifications, meets the conditions for renewal set by the Board in its November 2001 decision regarding the

NCC.

- STB Finance Docket No. 34276, *Massachusetts Port Authority--Acquisition Exemption--Certain Assets of Boston and Maine Corporation*, and STB Docket No. AB-32 (Sub-No. 92), *Boston and Maine Corporation--Abandonment--in Suffolk County, MA*. At issue in these cases (considered together for administrative convenience) are a "notice of exemption" under which a nonrailroad, the Massachusetts Port Authority (Massport), could acquire from the Boston and Maine Corporation (B&M) the right-of-way and related improvements on the 1.45-mile Mystic Wharf Branch railroad line in Charleston, Suffolk County, Massachusetts; Massport's motion to dismiss the notice based on Massport's contention that it would not become a common carrier (offering railroad service to the public) as a result of the transaction; and B&M's separate motion to withdraw an application previously approved by the Board allowing B&M's abandonment of the Mystic Wharf Branch.
- STB Finance Docket No. 34210, *Sunflower Rail Company, LLC--Construction and Operation Exemption--Finney County, KS*. At issue is whether the Board should approve, subject to completion of necessary environmental review, an exemption that would allow the construction and operation by the "Sunflower Rail Company," a subsidiary of Sunflower Electric Power Corporation (Sunflower), of approximately 4.7 miles of track in the vicinity of Garden City in Finney County, Kansas, to obtain competitive new rail service over a "Union Pacific Railroad" line near its plant.
- STB Finance Docket No. 34305, *The Burlington Northern and Santa Fe Railway Company--Construction and Operation Exemption --Merced County, CA*. The Board will vote on whether to approve, subject to completion of necessary environmental review, an "exemption" that would allow the "Burlington Northern's" construction and operation of an approximately 850-foot line of track in Merced, California. The proposed line would connect to Burlington Northern's Stockton Subdivision main line between Stockton and Bakersfield, and provide competitive new rail service for the Quebecor World Inc. printing and distribution facility in Merced.

INSTRUCTIONS FOR PUBLIC AND MEDIA ATTENDANCE:

- There will be no reserved seating. Given the following procedures, please plan to arrive early enough to be seated no later than **9:15 a.m.**
- Please enter the **Mercury Building's main entrance at 1925 K Street (on the northeast corner of the intersection of 20th and K Sts.)**. **All visitors must be cleared through security in the Board's Suite 100** (on the 1st Floor, at the top of the ramp to the left of the main lobby) **prior to being escorted to the hearing room**.
- For security reasons, be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, etc.
- Quiet laptops and tape recorders may be brought into the hearing room, but absolutely no provision will be made for the connection of personal computers to Board telephone lines.
- Cellular telephone use is not permitted in the hearing room, or in the rear anteroom. Cellular phones may only be used outside the hearing room.
- The Board's hearing room complies with the Americans With Disabilities Act, and persons needing such accommodation should contact **Beverly Ledbetter, in the Board's Section of Facilities Management, at (202) 565-1709, by the close of business on Thursday, March 20, 2003.**

The Board provides the case summaries above as a courtesy to the public and the media. The actions of the Board in the cases, however, are the Board's written decisions. Following the conclusion of the voting conference, a summary news release will be issued and posted under "News & Speeches" on the Board's website at <http://www.stb.dot.gov>. Written decisions will be forthcoming, copies of which will be available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via da2dalegal@earthlink.net. The decisions also will be available for viewing and downloading under "Decisions & Notices" on the Board's website. <http://www.stb.dot.gov>.

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