

Finance Docket No. 32549 primary application (and all embraced proceedings). Service of an initial decision will be waived, and determination of the merits of the responsive application will be made in the first instance by the entire Commission. 49 U.S.C. 11345(f).

Interested persons may participate formally by submitting written comments regarding the responsive application, subject to the filing and service requirements specified above. Such comments (referred to as "responses" in the procedural schedule) should indicate the exact proceeding designation and should be filed with the Commission by June 9, 1995. Comments shall include the following: the commenter's position in support of or in opposition to the proposed transaction; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may also file statements, also subject to the filing and service requirements specified above. Persons must state specifically whether they intend to participate actively in the proceeding or whether they wish only to be advised of all decisions issued by the Commission. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Because GNBC's responsive application contains proposed conditions to approval of the primary application in Finance Docket No. 32549, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to GNBC's responsive application as filed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,
Secretary.

[FR Doc. 95-12888 Filed 5-24-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32549 (Sub-No. 13)]

Houston Lighting and Power Company; Trackage Rights Over Lines of The Atchison, Topeka and Santa Fe Railway Company in Texas

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 22; Notice of acceptance of responsive application filed by Houston Lighting and Power Company.

SUMMARY: The Commission is accepting for consideration the application filed by Houston Lighting and Power Company (HL&P) for trackage rights over lines of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) between Rosenberg, TX, and Smithers Lake, TX, and/or between Sealy, TX, and Smithers Lake, TX. This application is responsive to the primary application filed by Burlington Northern Railroad Company (BN) and its corporate parent, Burlington Northern Inc. (BNI), and Santa Fe and its corporate parent, Santa Fe Pacific Corporation (SFP), by which primary applicants BNI, BN, SFP, and Santa Fe seek approval for BNI's acquisition of, control of, and merger with SFP, the resulting common control of BN and Santa Fe by the merged company, the consolidation of BN and Santa Fe railroad operations, and the merger of BN and Santa Fe.

DATES: The effective date of this decision is May 25, 1995. Comments regarding the HL&P responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the HL&P responsive application must be filed by June 19, 1995. Briefs (not to exceed 50 pages) must be filed by June 29, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32549 (Sub-No. 13) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 13), Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be served, by first class mail, on: The Secretary of the Department of Transportation; the Attorney General of the United States; Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, Office of Hearings, 825 North Capitol Street, NE., Washington, DC 20426; Betty Jo Christian, Esq., Steptoe & Johnson, 1330

Connecticut Avenue, NW., Washington, DC 20036-1795 (representing primary applicants BNI and BN); Erika Z. Jones, Esq., Mayer, Brown & Platt, 2000 Pennsylvania Avenue, NW., Suite 6500, Washington, DC 20006 (representing primary applicants SFP and Santa Fe); and C. Michael Loftus, Esq., Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036 (representing responsive applicant HL&P).

Furthermore, one copy of all documents in this proceeding must be served, by first class mail, on all persons designated parties of record [POR] on the Commission's service list, served on May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927-5352. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: By this responsive application, HL&P seeks trackage rights over certain lines of Santa Fe between Rosenberg, TX, and Smithers Lake, TX, and/or between Sealy, TX, and Smithers Lake, TX. Specifically, HL&P seeks overhead trackage rights on behalf of a rail carrier(s) unaffiliated with the primary applicants over a 47.2-mile Santa Fe line for the movement of coal trains between milepost 94.6, at Sealy, TX, and Smithers Lake, TX, where HL&P's coal-fired electric generating facility known as the W.A. Parish Electric Generating Station (Parish Station) is located. HL&P also seeks, instead of or in addition to its first request, overhead trackage rights on behalf of a rail carrier(s) unaffiliated with the primary applicants over an 18.8-mile Santa Fe line for the movement of coal trains between milepost 66.2, at Rosenberg, TX, and Smithers Lake, TX, where the Parish Station is located. HL&P asserts that the requested trackage rights would serve to maintain existing rail competition that would be eliminated if the Commission approves the proposed BN/Santa Fe merger.

HL&P's responsive application substantially complies with the applicable regulations,¹ and it has therefore been accepted for consideration by the Commission.

The responsive application and exhibits are available for inspection in the Public Docket Room at the offices of the Commission in Washington, DC. In addition, they may be obtained upon request from HL&P's representative named above.

¹ HL&P states that it recognizes that, because it is not an "applicant carrier" as defined by 49 CFR 1180.3(b), applicant carriers who may receive such requested trackage rights as a result of this responsive application will necessarily have to resolve carrier-specific, trackage rights issues in a "follow-up proceeding." (HLP-12, at 3-4.)

This responsive application is consolidated for disposition with the Finance Docket No. 32549 primary application (and all embraced proceedings). Service of an initial decision will be waived, and determination of the merits of the responsive application will be made in the first instance by the entire Commission. 49 U.S.C. 11345(f).

Interested persons may participate formally by submitting written comments regarding the responsive application, subject to the filing and service requirements specified above. Such comments (referred to as "responses" in the procedural schedule) should indicate the exact proceeding designation and should be filed with the Commission by June 9, 1995. Comments shall include the following: The commenter's position in support of or in opposition to the proposed transaction; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may also file statements, also subject to the filing and service requirements specified above. Persons must state specifically whether they intend to participate actively in the proceeding or whether they wish only to be advised of all decisions issued by the Commission. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Because HL&P's responsive application contains proposed conditions to approval of the primary application in Finance Docket No. 32549, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to HL&P's responsive application as filed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95-12886 Filed 5-24-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32549 (Sub-No. 17)]

Keokuk Junction Railway—Trackage Rights and Terminal Access on Certain Lines of Burlington Northern Railroad Company in Iowa, Missouri, and Illinois

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 26; Notice of acceptance of responsive application filed by Keokuk Junction Railway.

SUMMARY: The Commission is accepting for consideration the application filed by Keokuk Junction Railway (KJRY) for trackage rights and terminal access over certain lines of Burlington Northern Railroad Company (BN) in Iowa, Missouri, and Illinois. This application is responsive to the primary application filed by BN and its corporate parent, Burlington Northern Inc. (BNI), and The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) and its corporate parent, Santa Fe Pacific Corporation (SFP), by which primary applicants BNI, BN, SFP, and Santa Fe seek approval for BNI's acquisition of, control of, and merger with SFP, the resulting common control of BN and Santa Fe by the merged company, the consolidation of BN and Santa Fe railroad operations, and the merger of BN and Santa Fe.

DATES: The effective date of this decision is May 25, 1995. Comments regarding the KJRY responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the KJRY responsive application must be filed by June 19, 1995. Briefs (not to exceed 50 pages) must be filed by June 29, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32549 (Sub-No. 17) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 17), Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, D.C. 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be served, by first class mail, on: the Secretary of the Department of Transportation; the Attorney General of the United States; Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, Office of Hearings, 825 North Capitol Street, N.E., Washington, D.C. 20426; Betty Jo Christian, Esq., Steptoe & Johnson, 1330 Connecticut Avenue, N.W., Washington, D.C. 20036-1795 (representing primary applicants BNI and BN); Erika Z. Jones,

Esq., Mayer, Brown & Platt, 2000 Pennsylvania Avenue, N.W., Suite 6500, Washington, D.C. 20006 (representing primary applicants SFP and Santa Fe); and Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, Suite 420, 1920 N Street, N.W., Washington, D.C. 20036 (representing responsive applicant KJRY).

Furthermore, one copy of all documents in this proceeding must be served, by first class mail, on all persons designated parties of record [POR] on the Commission's service list, served on May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927-5352. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: By this responsive application, KJRY seeks trackage rights and terminal access over certain BN lines in Iowa, Missouri, and Illinois.

The sought trackage rights (for which KJRY envisions compensation of not more than \$0.40 per car mile) are: (1) unrestricted local trackage rights on BN's Hannibal Subdivision between MP 177.9 at Keokuk, IA, and MP 136.9 at West Quincy, MO, a distance of 41 miles, with full right of interchange at West Quincy with the primary applicants, Norfolk Southern Railway (NS), and Southern Pacific Transportation Company (SPT); and (2) overhead trackage rights on BN's Hannibal Subdivision from MP 136.9 at West Quincy to MP 94.1 at Louisiana, MO, a distance of 42.8 miles, in order to interchange with NS at Hannibal, MO, and with Gateway Western Railway at Louisiana, MO. KJRY indicates, however, that it will not exercise the overhead trackage rights south of West Quincy, as long as (a) NS retains trackage rights through West Quincy to Quincy, IL, and continues to be able to interchange with KJRY at either location as mutually convenient, and (b) SPT and KJRY have a mutually satisfactory interchange at West Quincy.

The sought terminal access consists of three requirements to be imposed on BN: (1) A requirement that BN sell to KJRY at net liquidated value (or going concern value, whichever is appropriate) all BN terminal tracks and facilities in Keokuk including yard trackage, buildings, and the Mooar Line (KJRY envisions that it will assume all industrial switching in Keokuk currently provided by BN, and that it will enter into a long-term contract with the primary applicants on switch rates and service); (2) a requirement that BN absorb KJRY's switch charges at a level no higher than BN's current switch charges in Keokuk, subject to