

the Commission in Washington, DC In addition, they may be obtained upon request from SWGR's representative named above.

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 SWGR'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 SWGR'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. 95-12891 Filed 5-24-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32549 (Sub-No. 14)]

Southwestern Public Service Company and Tuco Inc.—Trackage Rights Over Lines of Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 23; Notice of acceptance of responsive application filed by Southwestern Public Service Company and Tuco Inc.

SUMMARY: The Commission is accepting for consideration the application filed by Southwestern Public Service Company and Tuco Inc. (SPS/TUCO) for trackage rights over lines of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe), and to the extent appropriate or necessary, the lines of Burlington Northern Railroad Company (BN). This application is responsive to the primary application filed by 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 SPS/TUCO responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the SPS/TUCO 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. 14) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 14), 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 C. Michael Loftus, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C. 20036 (representing responsive applicant SPS/TUCO).

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, SPS/TUCO seeks overhead trackage rights on behalf of a rail carrier(s) unaffiliated with the primary applicants over approximately 441 miles of lines of Santa Fe (and to the extent appropriate or necessary, the lines of BN) for the movement of coal trains between Pueblo, CO, and SPS' coal-fired, electric generating facilities known as the Tolk Station, located near Muleshoe or Mill, TX, via Amarillo, TX, and Hereford, TX, with the right to serve SPS' coal-fired, electric generating facilities known as the Harrington Station, located at Amarillo, TX.

SPS/TUCO'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, D.C. In addition, they may be obtained upon request from SPS/TUCO's representative named above.

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

¹ SPS/TUCO 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." (SPST-11, at 3-4.)

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 SPS/TUCO'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 SPS/TUCO'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. 95-12887 Filed 5-24-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32549 (Sub-No. 16)]

**Western Fuels Service Corp.—
Trackage Rights Over The Atchison,
Topeka and Santa Fe Railway
Company Between Denver, CO, and
Holcomb, KS**

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 25; notice of acceptance of responsive application filed by Western Fuels Service Corp.

SUMMARY: The Commission is accepting for consideration the application filed

by Western Fuels Service Corp. (WFSC) for trackage rights over lines of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) in Colorado and Kansas. 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 WFSC responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the WFSC 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. 16) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 16), 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 Peter Glaser, Esq., Doherty, Rumble and Butler, P.C., 1625 M Street, N.W., Washington, D.C. 20036 (representing responsive applicant WFSC).

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, WFSC seeks trackage rights over approximately 326 miles of Santa Fe's lines between Denver, CO, and Holcomb, KS, from the BN Yard at Denver, CO (BN MP 541.2) to the Santa Fe Yard at Pueblo, CO (Santa Fe MP 733.4) to the Sunflower Electric Station (also known as Holcomb Station) at Holcomb, KS (Santa Fe MP 407.4). WFSC is a wholly owned subsidiary of Western Fuels Association, Inc. (WFA), a non-profit fuel supply cooperative corporation whose member-owners are municipally and cooperatively owned electric utilities located in the Rocky Mountain West, the Midwest, the Southwest, and Louisiana. Sunflower Electric Station is a coal-burning electric generating facility owned by Sunflower Electric Power Corporation, a WFA member. The trackage rights sought by WFSC are intended to be used for the transportation of coal moving to Sunflower Electric Station.

WFSC's responsive application substantially complies with the applicable regulations, and it has therefore been accepted for consideration by the Commission. WFSC maintains, and we agree, that the trackage rights sought in its responsive application constitute a minor transaction. See 49 CFR 1180.2(b) (a transaction is minor if it does not involve the control or merger of two or more class I railroads and if it clearly will not have any anticompetitive effects).

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

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