

require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

- (1) Agway, Inc.
- (2) 333 Butternut Dr., DeWitt, NY 13214
- (3) 333 Butternut, Dr., DeWitt NY 13214 and P.O. Box 4746, Syracuse, NY 13221
- (4) Larry Clark, P.O. Box 4746, Syracuse, NY 13221

Vernon A. Williams,
Secretary.

[FR Doc. 95-31323 Filed 12-26-95; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 523 (Sub-No. 1)]

Railroad Cost of Capital—1995

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision instituting a proceeding to determine the railroads' 1995 cost of capital.

SUMMARY: The Commission is instituting a proceeding to determine the railroad industry's cost of capital for 1995. The decision solicits comments on: (1) The railroads' 1995 cost of debt capital; (2) the railroads' 1995 current cost of preferred stock equity capital; (3) the railroads' 1995 cost of common stock equity capital; and (4) the 1995 capital structure mix of the railroad industry on a market value basis.

DATES: Notices of intent to participate are due no later than December 29, 1995. A service list will then be prepared and issued by January 13, 1996. Statements of the railroads are due by March 8, 1996. Statements of other interested persons are due by April 5, 1996. Rebuttal statements by the railroads are due by April 19, 1996.

ADDRESSES: Send an original and 15 copies of statements and an original and 1 copy of the notice of intent to participate to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Leonard J. Blistein, (202) 927-6171. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address contained herein. Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Environmental and Energy Considerations

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10704(a).

Decided: December 15, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,
Secretary.

[FR Doc. 95-31322 Filed 12-26-95; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32834]

Georgia & Florida Railroad Co., Inc.; Amended Trackage Rights Exemption; Georgia Southern and Florida Railway Company

Georgia Southern and Florida Railway Company (GS&F), a subsidiary of Norfolk Southern Railway Company (NS), has agreed to amend the incidental overhead trackage rights previously granted to Georgia & Florida Railroad Co., Inc. (G&F) by NS.¹ The proposed amendment will expand G&F's overhead trackage rights to enable G&F to handle traffic to or from a rail line,

¹ By notice of an acquisition, lease, and operation exemption given by the Commission in *Georgia & Florida Railroad Co., Inc.—Acquisition, Lease, and Operation Exemption—Norfolk Southern Railway Company*, Finance Docket No. 32680 (ICC served May 5, 1995), G&F was granted approximately 29.8 miles of incidental overhead trackage rights between milepost 125.2 at Sparks, Cook County, GA, and milepost 155.0 at Valdosta, in Lowndes County, GA.

known as the Foley line,² (1) to or from points north of Sparks, GA, or (2) to or from Valdosta, GA, for the sole purpose of interchanging with GS&F at Valdosta, or to connect with the G&F line from Nashville, GA, to Valdosta. The trackage rights were to become effective on or after December 15, 1995.

This transaction is related to Finance Docket No. 32812, *Georgia & Florida Railroad Co., Inc.—Operation Exemption—Live Oak, Perry & Georgia Railroad Company*, a concurrently filed notice of exemption under 49 CFR 1150.31, in which G&F seeks to operate over approximately 83.05 miles of railroad in Georgia and Florida owned by Live Oak, Perry & Georgia Railroad Company.³ This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Any comments must be filed with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. A copy of any pleading filed with the Commission should be sent to applicant's representative: Mark H. Sidman, Suite 800, 1350 New York Ave., NW, Washington, DC 20005-4797.⁴

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: December 20, 1995.

² The Foley line extends from milepost GB 1.0 in Adel, GA, to milepost 77.3 in Perry, FL, and from milepost LO 45.75 in Perry, to milepost LO 39.0 in Foley, FL.

³ Also, a concurrently filed related petition for exemption has been filed in Finance Docket No. 32813, *H. Peter Claussen and Linda C. Claussen—Continuance in Control Exemption—Live Oak, Perry & Georgia Railroad Company, Inc.*; and a concurrently filed related notice of exemption has been filed in Finance Docket No. 32811, *Live Oak, Perry & Georgia Railroad Company, Inc.—Acquisition and Operation Exemption—A Portion of Line of Georgia Southern and Florida Railway Company and Norfolk Southern Railway Company*.

⁴ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
[FR Doc. 95-31319 Filed 12-26-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32795]

**Plainview Terminal Company;
Purchase and Operation Exemption;
Floydada and Plainview Railroad
Company**

The Plainview Terminal Company (PTC) has filed a notice of exemption to acquire the operating rights of Floydada and Plainview Railroad Company to provide local switching service on an approximately 4.6-mile line of railroad owned by The Atchison, Topeka and Santa Fe Railway Company (ATSF) between Plainview Subdivision milepost 627 plus 1791.7 feet at Plainview, TX (Santa Fe Railway Connection), and Floydada Subdivision milepost 4 plus 3160 feet at Plainview, TX. The proposed transaction was expected to be consummated on October 25, 1995. PTC certified that its projected revenues do not exceed those that would qualify it as a class III carrier.

PTC owns no railroad lines and conducts no rail operations subject to the Commission's jurisdiction. RailAmerica, Inc. (RAI) owns 100% of PTC's stock. RAI owns or controls six other class III shortline railroads.

This transaction is related to a notice of exemption filed in *RailAmerica, Inc.—Continuance in Control Exemption—West Texas and Lubbock Railroad Company, Inc. and Plainview Terminal Company*, Finance Docket No. 32797, for RAI to continue in control of PTC and West Texas and Lubbock Railroad Company (WTLR) and five other class III railroads upon PTC and WTLR becoming class III rail carriers.

Any comments must be filed with the Commission¹ and served on: Robert A. Wimbish, Rea, Cross and Auchinclass, 1920 N. Street, NW, Suite 420, Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 19, 1995.

¹ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams, Secretary.
[FR Doc. 95-31321 Filed 12-26-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32797]

**RailAmerica, Inc.; Continuance in
Control Exemption; West Texas and
Lubbock Railroad Company, Inc. and
Plainview Terminal Company**

RailAmerica has filed a notice of exemption to continue in control of the West Texas and Lubbock Railroad Company, Inc. (WTLR) and the Plainview Terminal Company (PTC) upon WTLR and PTC becoming active class III shortline rail carriers.

WTLR has filed a notice of exemption in *West Texas and Lubbock Railroad Company, Inc.—Purchase and Operation Exemption—Seagraves, Whiteface and Lubbock Railroad Company*, Finance Docket No. 32796, to acquire and operate 113.0 route miles of interconnected rail lines from the Seagraves, Whiteface and Lubbock Railroad Company (SWGR). WTLR will also obtain ancillary overhead trackage rights held by SWGR over certain lines and yard tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) at Lubbock Subdivision and in ATSF's Lubbock yards.

PTC has filed a notice of exemption in *Plainview Terminal Company—Purchase and Operation Exemption—Floydada and Plainview Railroad Company*, Finance Docket No. 32795, to acquire operating rights over a 4.6 mile line of railroad at Plainview, TX.

RAI controls five other carriers: The Delaware Valley Railway Company, Inc. (DVRV), the Huron and Eastern Railway Company, Inc. (HESR), the Saginaw Valley Railway Company, Inc. (SGVR), the South Central Tennessee Railroad Company (SCTR), and Dakota Rail, Inc. (DRI).

RAI certifies that: (1) The WTLR and PTC do not interconnect, nor do they interconnect with any other rail carrier it controls; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction, therefore, is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock*

Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission¹ and served on: Robert A. Wimbish, Rea, Cross & Auchinclass, 1920 N Street, NW, Suite 420, Washington, D.C. 20036.

Decided: December 19, 1995.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
[FR Doc. 95-31320 Filed 12-26-95; 8:45 am]
BILLING CODE 7035-01-P

[Finance Docket No. 32760]

**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**

AGENCY: Interstate Commerce
Commission.

ACTION: Decision No. 9; Notice of
Acceptance of Application.¹

¹ Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

¹ This designation embraces the following: (1) Finance Docket No. 32760 (Sub-No. 1), *Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Trackage Rights Exemption—Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company*; (2) Finance Docket No. 32760 (Sub-No. 2), *Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company—Petition for Exemption—Acquisition and Operation of Trackage in California, Texas, and Louisiana*; (3) Finance Docket No. 32760 (Sub-No. 3), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—The Alton & Southern Railway Company*; (4) Finance Docket No. 32760 (Sub-No. 4), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Central California Traction Company*; (5) Finance Docket No. 32760 (Sub-No. 5), *Union Pacific Corporation,*