

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]

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#### [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]

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#### [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.<sup>1</sup> The proposed amendment will expand G&F's overhead trackage rights to enable G&F to handle traffic to or from a rail line,

<sup>1</sup> 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,<sup>2</sup> (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.<sup>3</sup> 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.<sup>4</sup>

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.

<sup>2</sup> 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.

<sup>3</sup> 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*.

<sup>4</sup> 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.