

Issued on: August 21, 1996.
 Diana Zeidel,
 Deputy Associate Administrator for
 Administration.
 [FR Doc. 96-21930 Filed 8-29-96; 8:45 am]
 BILLING CODE 4910-22-M

Surface Transportation Board¹

[STB Finance Docket No. 33009]

Richard D. Robey—Continuance in Control Exemption—Juniata Valley Railroad Company

Richard D. Robey (Robey), a noncarrier individual, has filed a notice of exemption to continue in control of Juniata Valley Railroad Company (Juniata), upon Juniata's becoming a Class III rail carrier. Consummation was expected to occur on or after August 15, 1996.

Juniata, a noncarrier, has concurrently filed a joint notice of exemption in *SEDA-COG Joint Rail Authority and Juniata Valley Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation*, STB Finance Docket No. 33008, to operate approximately 12.3² miles of rail line acquired by SEDA-COG Joint Rail Authority from Consolidated Rail Corporation known as the Lewistown Cluster in Mifflin County, PA.

Robey controls seven other nonconnecting Class III rail carriers:³ North Shore Railroad Company; Nittany & Bald Eagle Railroad Company; Shamokin Valley Railroad Company; West Shore Railway Services, Inc.; Stourbridge Railroad Company, Inc.; Wellsboro and Corning Railroad Company; and Union County Industrial Railroad Company.

Robey states that: (1) Juniata will not connect with any of the other railroads in its corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect Juniata with any other railroad in its corporate family; and (3)

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice refers to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323-24.

² Counsel has confirmed that the Lewiston Cluster consists of a total of approximately 12.3 miles.

³ Robey has concurrently filed a notice of exemption in *Richard D. Robey—Continuance in Control Exemption—Lycoming Valley Railroad Company*, STB Finance Docket No. 33011.

the transaction does not involve a Class I railroad. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III railroad carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33009, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Richard R. Wilson, Vuono & Gray, 2310 Grant Building, Pittsburgh, PA 15219.

Decided: August 22, 1996.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96-22205 Filed 8-29-96; 8:45 am]

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[Docket Nos. 41242 et al.]

Central Power & Light Company v. Southern Pacific Transportation Company

AGENCY: Surface Transportation Board, Transportation.

ACTION: Request for comments.

SUMMARY: The Board is seeking comments on certain common legal and policy issues raised by these cases which have industry-wide significance for rail carriers and their captive shippers. The immediate issue in these

¹ This notice embraces: No. 41295, *Pennsylvania Power & Light Co. v. Consolidated Rail Corp.*; and No. 41626, *MidAmerican Energy Co. v. Union Pac. R.R. and Chicago and North W. Ry.* A fourth case—No. 41604, *Western Resources, Inc. v. The Atchison, T.&S.F. Ry.*—involves similar issues, but has been stayed pending judicial resolution of certain contract interpretation matters.

cases is whether a captive shipper can obtain prescription of a rate for the "bottleneck" segment of its rail shipments (the portion of the movement for which no alternative transportation route is possible), based upon a challenge to the reasonableness of a local rate that has generally not been applied to its traffic. The broader issues involved are whether and how a captive shipper can obtain a competitive rate for the non-bottleneck portion of its moves and whether a rate reasonableness analysis can be limited to the bottleneck segment, relying on competition to constrain the rates charged on the segment of a move that is subject to competition.

The Board is soliciting comments and briefing on these issues from all interested persons and will hold an oral argument. The oral argument will be limited to the generic issues addressed in the Board's decision and will not address other issues specific to an individual case.

DATES: Comments are due by September 30, 1996.

ADDRESSES: Send an original and 10 copies of submissions, referring to Nos. 41242 et al. to: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

One copy of each submission should be sent to counsel for each party of record in each of the cases.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional details, including a fuller description of the issues, appear in the Board's full decision. To purchase a copy of the full decision, write to, call, or pick up in person from DC News & Data, Inc., Room 2229, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: August 23, 1996.

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

Vernon A. Williams,

Secretary.

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