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SERVICE DATE - AUGUST 25, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33642]

Kyle Railroad Company--Acquisition and Operation Exemption--Omaha Public Power
District

Kyle Railroad Company (KR),¹ a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire pursuant to a rail transportation agreement and operate approximately 56.75 miles of rail line as indicated by KR in its notice, which is owned by Omaha Public Power District (OPPD),² between milepost 56.30 at Collegeview, and milepost 6.10 at Arbor in Lancaster and Otoe Counties, NE.³

The transaction was expected to be consummated on or shortly after August 4, 1998.

If the notice contains false or misleading information, the exemption is void ab initio. 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.

¹ KR states that its projected revenues will not exceed those that would qualify it as a Class III rail carrier.

² See Omaha Public Power District--Acquisition--The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 33447 (STB served Sept. 12, 1997).

³ On July 31, 1998, KR filed a petition for exemption in STB Finance Docket No. 33642 (Sub-No. 1), Kyle Railroad Company--Acquisition and Operation Exemption--Omaha Public Power District, wherein KR requests that the Board permit the proposed acquisition and operation of OPPD's rail line as described-above to expire on December 31, 2003. That petition will be addressed by the Board in a separate decision.

STB Finance Docket No. 33642

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33642, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005-3954.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: August 18, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary