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ALJ

SERVICE DATE - OCTOBER 26, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33407

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION CONSTRUCTION
INTO THE POWDER RIVER BASIN

Decided: October 23, 1998

By motion dated September 4, 1998, Mid-States Coalition for Progress (the Coalition) seeks declassification of certain material employed by it in its August 31, 1998, opposition brief and evidence in this proceeding. That material was produced by Dakota, Minnesota & Eastern Railroad Corporation (DM&E) in response to discovery requests. It was classified by DM&E as "highly confidential" and "confidential" under the terms of the Protective Order in force in this proceeding.

On October 13, 1998, DM&E replied to the Coalition's motion.

Disposition of the Coalition's motion will be facilitated by oral argument, so it is ordered that oral argument on the Coalition's motion will be heard commencing at 10:00 a.m., Tuesday, the 3rd day of November, 1998, in a hearing room of the Federal Energy Regulatory Commission, at 888 First Street, NE, Washington, D.C.

This decision is effective on the service date.

By the Board, Joseph R. Nacy, Administrative Law Judge.

Vernon A. Williams
Secretary