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SERVICE DATE – JULY 9, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36293¹

MIDWESTERN RAILWAY SERVICES, CORPORATION—OPERATION EXEMPTION—
PERRY COUNTY PORT AUTHORITY

Docket No. FD 36294

TNW CORPORATION—CONTINUANCE IN CONTROL EXEMPTION—MIDWESTERN
RAILWAY SERVICES, CORPORATION

Decided: July 8, 2019

On May 3, 2019, in Docket No. FD 36293, Midwestern Railway Services, Corporation (MRS) filed a verified notice of exemption under 49 C.F.R. § 1150.31 to operate approximately 20.6 miles of rail line between milepost 1.8 at Tell City, Ind., and milepost 22.4 at Lincoln City, Ind., pursuant to an agreement with Perry County Port Authority. Also on May 3, 2019, in Docket No. FD 36294, TNW Corporation (TNW), a noncarrier, filed a verified notice of exemption pursuant to 49 C.F.R. § 1180.2(d)(2) to continue in control of MRS upon MRS's becoming a Class III rail carrier. The notices were served and published in the Federal Register on May 17, 2019 (84 Fed. Reg. 22550-51), and the exemptions became effective on June 2, 2019.

On June 18, 2019, MRS and TNW filed a request to withdraw their respective verified notices. The filing states that MRS has terminated negotiation of the agreements necessary for MRS to consummate operations on the rail line at issue and no longer intends to undertake the proposed transaction.

MRS's and TNW's request for withdrawal is reasonable and will be granted. Although the exemptions became effective on June 2, 2019, the authority conferred is permissive, and the request to withdraw indicates that the transactions have not been, and will not be, consummated. Accordingly, MRS's and TNW's verified notices will be withdrawn, and the proceedings will be dismissed.

¹ These proceedings are not consolidated. A single decision is being issued for administrative purposes.

It is ordered:

1. MRS's and TNW's request for withdrawal of their verified notices is granted and the proceedings are dismissed without prejudice.
2. This decision is effective on its date of service.

By the Board, Allison C. Davis, Director, Office of Proceedings.