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SEC

SERVICE DATE - JULY 23, 1998
SURFACE TRANSPORTATION BOARD
DECISION

STB Finance Docket No. 33407

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

Decided: July 21, 1998

By application filed February 20, 1998, the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) seeks authority to construct and operate 280.09 miles of new railroad line, and to undertake certain related projects, which would extend DM&E's existing rail lines into the Powder River Basin coal fields in northeastern Wyoming. Notice of the application was published in the Federal Register on March 13, 1998 (63 FR 12576).

The Board has obtained an Administrative Law Judge to be assigned to this proceeding for the purpose of handling discovery. The Board assigns and authorizes Administrative Law Judge Joseph Nacy to entertain and rule upon discovery matters, including the adoption of any discovery guidelines, and to resolve all initial disputes concerning discovery in this proceeding. In addition to filing pleadings with the Board and all parties of record, copies of all filings and documents in this proceeding must be sent to Administrative Law Judge Nacy, Office of Administrative Law Judges, Room 11F-39, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 [(202) 219-2508] and must refer to STB Finance Docket No. 33407.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is assigned to Administrative Law Judge Joseph Nacy for handling of all discovery matters and initial resolution of all discovery disputes.
2. This decision is effective on its service date.

3. A copy of all filings and documents must be sent to:

Administrative Law Judge Joseph Nancy
Office of Administrative Law Judges
Room 11F-39
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

and must refer to STB Finance Docket No. 33407.

4. Administrative Law Judge Nancy will be added to the service list in this proceeding and a copy of this decision will be served upon him at the address listed in the preceding paragraph.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary