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SEC

SERVICE DATE – JANUARY 17, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34960

THE CHICAGO, LAKE SHORE AND SOUTH BEND RAILWAY COMPANY—
ACQUISITION AND OPERATION EXEMPTION—NORFOLK SOUTHERN
RAILWAY COMPANY

Decided: January 16, 2007

On December 4, 2006, the Chicago, Lake Shore and South Bend Railway Company (CLS&SB) filed a motion for a protective order under 49 CFR 1104.14 to make available to the Board under seal certain confidential documents and information in connection with this proceeding. On December 6, 2006, the City of South Bend, IN (City), Sisters of the Holy Cross, Inc. (Sisters), and Brothers of Holy Cross, Inc. (Brothers) filed a joint reply in opposition to the motion for the protective order. The Board granted the protective order in a decision served December 14, 2006.

On December 20, 2006, City, Brothers, and Sisters filed a motion to strike the confidential designation of most of the documents specified in the protective order. On December 27, 2006, City, Brothers, and Sisters requested permission to withdraw their motion to strike on grounds that the relief requested has been mooted by the parties' joint resolution of all confidentiality issues.¹ The request will be granted.

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

It is ordered:

1. The request to withdraw the motion to strike is granted.

¹ On December 27, 2006, City, Brothers, and Sisters and CLS&SB filed a joint stipulation indicating that they have resolved all issues regarding the confidentiality of the tendered documents.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary