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ALJ

SERVICE DATE - OCTOBER 27, 1998
SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33556

CANADIAN NATIONAL RAILWAY COMPANY, GRAND TRUNK CORPORATION, AND
GRAND TRUNK WESTERN RAILROAD INCORPORATED -- CONTROL --
ILLINOIS CENTRAL CORPORATION, ILLINOIS CENTRAL RAILROAD COMPANY, CHICAGO,
CENTRAL & PACIFIC RAILROAD COMPANY, AND CEDAR RIVER RAILROAD COMPANY

Decided: October 26, 1998

On October 22, 1998, the City of Chicago (the City) filed a Motion for a Determination Pursuant to Paragraph Nine of the Protective Order in the above-captioned matter.¹ The City would like the undersigned to rule that document CN/IC 29 HC 001324 does not qualify as "Highly Confidential" material or "Confidential Material" under the terms of the protective order entered into in this case.

The Motion is hereby denied. At this stage of the proceeding, there is no need to make such a determination. The protective order was adopted as a device to facilitate and expedite the handling of material during the discovery stage of this proceeding, and merely reflects agreement by counsel for the affected parties at this point concerning the manner in which protected materials are to be treated. This action is not intended to constitute any ruling on the merits concerning the confidentiality of the materials in question. At the time of the hearing, the presiding officer will make the final determination of how allegedly confidential material shall be handled.

This decision is effective on the service date.

By the Board, David I. Harfeld, Administrative Law Judge

**Vernon A. Williams
Secretary**

¹Due to the rapid approach of testimony filing dates, this decision was made without allowing time for the Applicants to file an answer to the Motion. Since the Applicants are not prejudiced by this result, their Answer is not necessary.