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U.S. FISH AND WILDLIFE SERVICE

SURFACE TRANSPORTATION BOARD

DECISION

NO CONCERNS
☒ CONCUR NOT LIKELY TO ADVERSELY AFFECT
☒ NO COMMENT

Docket No. AB 603 (Sub-No. 4X)

SEP 28 2015
DRUE L. DEBERRY, ACTING DATE
COLORADO FIELD SUPERVISOR

V AND S RAILWAY, LLC—ABANDONMENT EXEMPTION—IN PUEBLO, CROWLEY,
AND KIOWA COUNTIES, COLO.

MOTION FOR PROTECTIVE ORDER

Rep from USFWS

Decided: September 11, 2015

V and S Railway, LLC (V&S) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a line of railroad extending between milepost 747.5 near Towner and milepost 869.4 near NA Junction, a distance of 121.9 miles in Pueblo, Crowley, and Kiowa Counties, Colo. (the Towner Line). Notice of the exemption was served and published in the Federal Register on August 21, 2015 (80 Fed. Reg. 50,922). On August 24, 2015, two noncarriers, KCVN, LLC, and its wholly owned subsidiary, Colorado Pacific Railroad, LLC (collectively, Offerors), jointly filed a formal expression of intent to file an offer of financial assistance (OFA) to purchase the Towner Line. They request that V&S provide them with certain information and permit them to inspect the Towner Line. The Offerors also ask that the Board toll the due date for their OFA by 30 days.¹

By motion filed September 8, 2015, V&S seeks a protective order under 49 C.F.R. § 1104.14(b) to protect the confidentiality of information that may be provided by V&S. Included with the motion are a proposed protective order and undertakings.

Good cause exists to grant the motion for protective order. Issuance of the protective order will ensure that confidential information will be used solely for this proceeding and not for other purposes. Further, the motion conforms with the Board's rules at 49 C.F.R. § 1104.14 governing protective orders to maintain the confidentiality of materials submitted to the Board. Accordingly, the motion for protective order will be granted, and the protective order and undertakings, as modified in the appendix to this decision, are adopted for this proceeding.

It is ordered:

1. The motion for a protective order is granted, and the protective order and undertakings in the appendix to this decision are adopted.

¹ The Offerors' tolling request will be addressed in a separate decision.