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ALJ

SERVICE DATE - NOVEMBER 12, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33407

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

Decided: November 9, 1998

By motion dated September 4, 1998, Mid-States Coalition for Progress (the Coalition) seeks declassification of certain material employed by it in its August 31, 1998, opposition brief and evidence in this proceeding. That material was produced by Dakota, Minnesota & Eastern Railroad Corporation (DM&E) in response to discovery requests. It was classified by DM&E as "highly confidential" and "confidential" under the terms of the Protective Order in force in this proceeding.

On October 13, 1998, DM&E replied to the Coalition's motion.

Oral argument on the Coalition's motion and DM&E's reply was heard November 3, 1998.

It is ordered that the Coalition's motion is denied, for the reason stated at page 55, lines 13-16, of the transcript in this proceeding.

This decision is effective on the service date.

By the Board, Joseph R. Nacy, Administrative Law Judge.

Vernon A. Williams
Secretary