(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE COMMISSION’S INVESTIGATION, UPON ITS OWN INITIA­TIVE, INTO THE EFFECT OF THE INTER­STATE COMMERCE COMMISSION TER­MINATION ACT (49 U.S.C. §§ 10501, ET SEQ.)  ON THE COMMISSION’S JURISDICTION OVER AND REGULATION OF RAILROAD CORPORATIONS IN THE STATE OF IDAHO. | )  )  )  )  )  )  )  )  ) | CASE NO.  GNR-R-97-1  NOTICE OF INQUIRY  ORDER NO.  26882 |

YOU ARE HEREBY NOTIFIED that on March 21, 1997, this Commission was served with a summons and complaint filed in the District Court for the Fourth Judicial District of the state of Idaho by the Burlington Northern and Santa Fe Railway Company.  The complaint seeks a declaratory ruling and injunctive relief to the effect that the ICC Termination Act of 1995, 49 U.S.C. Sections 10501, et seq., preempts the Commission’s jurisdiction and/or regulatory authority over railroads operating in the state of Idaho.  Specifically, Burlington Northern desires to close its Sandpoint agency and seeks a ruling from the Court to the effect that the Commission cannot prohibit Burlington Northern from doing so.  In 1991, Burlington Northern filed an Application with this Commission in Case No. BN-RR-91-2 requesting the authority to close its Sandpoint agency.  Burlington Northern voluntarily withdrew its Application in that case.  Consequently, the Commission never issued a ruling with respect to Burlington Northern’s Sandpoint agency.  Since that time, Burlington Northern has not formally requested the Commission’s approval of the closure of its Sandpoint agency.

The Commission believes that the complaint filed by Burlington Northern in state district court raises issues of considerable importance and compexity and that it would be in the public interest for this Commission to initiate a formal proceeding for the specific purpose of ascertaining the effect of the ICC Termination Act on the Commission’s jurisdiction, regulation and oversight of the maintenance and operation of railroad freight agencies in the state of Idaho.

YOU ARE FURTHER NOTIFIED that all interested persons may file written briefing with the Commission regarding the effect of the ICC Termination Act on the Commission’s jurisdiction, regulation and oversight of the maintenance and operation of railroad freight agencies in the state of Idaho.

All persons interested in briefing the foregoing issue shall submit their briefs to the Commission Secretary, PO Box 83720, Boise, Idaho 83720-0074, on or before May 8, 1997.  Any person who files an initial brief may file a reply to any other person’s brief on or before May 15, 1997.

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to Title 61 of the Idaho Code.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.

O R D E R

IT IS HEREBY ORDERED that Case No. GNR-R-97-1 is initiated for the aforementioned purposes.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of April 1997.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:GNR-R-97-1.bp

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

April 10, 1997