BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF UNION PACIFIC RAILROAD COMPANY’S PROPOSED ABANDONMENT OF THE TRACKAGE BETWEEN MILEPOST 7 AT MADDENS AND MILEPOST 24 AT EMMETT. | )  )  )  )  )  )  )  )  ) | CASE NO. UP-RR-95-2  NOTICE OF APPLICATION  NOTICE OF MODIFIED PROCEDURE  NOTICE OF COMMENTS/ PROTESTS |

YOU ARE HEREBY NOTIFIED that on December 6, 1995, Union Pacific Railroad Company (Union Pacific) gave formal notice to the Idaho Public Utilities Commission (Commission) that it intends to abandon trackage between milepost 7 at Maddens and milepost 24 at Emmett in the near future.  The Application states that Union Pacific plans to abandon the trackage because it is out of service and claims this abandonment will have no affect on the shippers.

YOU ARE FURTHER NOTIFIED that the Commission is seeking comments to identify a potential affect the abandonment of this trackage between milepost 7 at Maddens and milepost 24 at Emmett has on shippers, customers and the community.  Idaho Code § 62-424 states that “when any railroad proposes to abandon any branch line or main line now in operation within the state of Idaho” the Public Utilities Commission shall schedule a hearing on the proposed abandonment to determine whether (1) it would adversely affect the area being served, (2) that there is reason to believe that the closure would impair the access to Idaho communities to vital goods and services and market access to those communities, and (3) that the line has potential for profitability.

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the filings in the records in Case No. UP-RR-95-2 and the Commission has preliminarily determined that the public interest may not require a hearing to consider the issues presented and the issues raised by the application may proceed under Modified Procedure, i.e., by written submission rather than by hearing (Commission Rules of Procedure, IDAPA 31.01.01.201 through .204).

YOU ARE FURTHER NOTIFIED that the Commission will not hold hearings in this proceeding unless it receives written protests or comments opposing the use of Modified Procedure and stating why Modified Procedure should not be used.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on the Application may file a written comment in support or opposition with the Commission within twenty-one (21) days from the date of this Notice.  The comment must contain a statement of reasons supporting the comment.  Persons desiring a hearing must specifically request a hearing in their written comments.  Written comments concerning this Application shall be mailed to:

COMMISSION SECRETARYJOSEPH D. ANTHOFER

IDAHO PUBLIC UTILITIES COMMISSIONLaw Department

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These comments should contain the case caption and case number shown on the first page of this document.

YOU ARE FURTHER NOTIFIED that if no written comments are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing.  If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application together with supporting workpapers, testimonies and exhibits, have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices.

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.

DATED at Boise, Idaho this day of December 1995.

Myrna J. Walters

Commission Secretary

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