BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE ABANDONMENT  OF RAIL LINE IN WHITMAN COUNTY, WASHINGTON, AND LATAH COUNTY, IDAHO,  BY BLUE MOUNTAIN RAILROAD, INC. | ))))))))) | CASE NO.  BMR-R-96-1NOTICE OF APPLICATIONNOTICE OF MODIFIED          PROCEDURE |

YOU ARE HEREBY NOTIFIED that on November 12, 1996, Blue Mountain Railroad, Inc.  (BMR) filed with the Surface Transportation Board (STB) a Petition for exemption seeking authority to abandon three segments of its rail line between: (1) Mile Post 19.0 (at Kamiaken Street) and Mile Post 19.30 at Pullman, Washington; (2) Mile Post 19.75 at Pullman, Washington and Mile Post 25.50 near Moscow, Idaho, and: (3) Mile Post 26.10 near Moscow and Mile Post 27.50 at Line Street in Moscow.

YOU ARE FURTHER NOTIFIED that a copy of the Petition for Exemption, along with a copy of the environmental and historic reports and maps of the affected area are in the possession of the Idaho Public Utilities Commission and are available for public inspection at the Commission offices at 472 West Washington Street, Boise, Idaho, during regular business hours.

YOU ARE FURTHER NOTIFIED that BMR intends for its Petition to be exempt from the STB’s normal abandonment procedures and seeks expedited treatment of  its Petition.

YOU ARE FURTHER NOTIFIED that authority to grant or deny the abandonment rests solely with the STB.  Pursuant to Idaho Code § 62-424, this Commission conducts an independent review to determine whether the abandonment would adversely affect the area being served and whether the branch has a potential for profitability.  The Commission is the agency which represents the state before the STB.

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.

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the filings of record in Case No. BMR-R-96-1.  The Commission has preliminarily determined that the public interest may not require a hearing to consider the issues presented and that the issues raised by the Application may be processed under Modified Procedure, i.e., by written submission rather than by hearing.  Reference Commission Rules of Procedure, IDAPA 31.01.01.201-.204.

YOU ARE FURTHER NOTIFIED that the Commission may not hold a hearing 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.  Reference IDAPA 31.01.01.203.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within fourteen (14) 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.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the deadline, the Commission will consider the matter on its merits and enter its Order without a formal hearing.  If comments or protests are filed within the deadline, the Commission will consider them and in its discretion may set the matter for hearing or may decide the matter and issue its Order on the basis of the written positions before it.  Reference IDAPA 31.01.01.204.

YOU ARE FURTHER NOTIFIED that written comments concerning Case No. BMR-R-96-1 should be mailed to the Commission and the Company at the addresses reflected below:

COMMISSION SECRETARYKARL MORELL

IDAHO PUBLIC UTILITIES COMMISSIONBALL JANIK

PO BOX 837201455 F STREET, N.W.

BOISE, IDAHO  83720-0074SUITE 225

WASHINGTON, D.C. 20005

Street Address for Express Mail:

472 W WASHINGTON ST

BOISE, IDAHO  83702-5983

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

DATED at Boise, Idaho this                  day of November 1996.

Jean D. Jewell

Assistant Commission Secretary

vld:N:BMR.bp