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SERVICE DATE - LATE RELEASE AUGUST 20, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-868X<sup>1</sup>

MISSISSIPPI TENNESSEE HOLDINGS, LLC—ABANDONMENT EXEMPTION—  
IN UNION, PONTOTOC AND CHICKASAW COUNTIES, MS

Decided: August 20, 2004

By decision served on August 9, 2004, the effective date of the exemption authorizing the abandonment by Mississippi Tennessee Holdings, LLC (MTH) of, and discontinuance of service by Mississippi Tennessee Railroad, LLC over, a 43.2-mile line of railroad was postponed to permit the offer of financial assistance (OFA) process to proceed. On August 5, 2004, Hust Brothers, Inc. (HB) timely had filed an OFA in this proceeding to purchase the 43.2-mile line. The August 9 decision stated that, if MTH and HB could not agree on the purchase price, either party may request the Board to establish the terms and conditions for the purchase on or before September 7, 2004. The decision also stated that, if no agreement is reached and no request is submitted by that date, the Board will serve a decision vacating the decision and allowing the abandonment exemption to become effective.

On August 18, 2004, HB and MTH filed a joint request to extend the time for filing requests to set terms and conditions until October 4, 2004, and replies until October 12, 2004.<sup>2</sup> The parties indicate that they have entered into negotiations as to the purchase price, but need more time for the carrier to provide an appraisal of the right-of-way.

Because this request is reasonable, the deadline for the parties to request the Board to establish terms and conditions of the purchase is extended to October 4, 2004. The deadline for filing replies is extended to October 12, 2004.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> Prior decisions in this proceeding also embraced Mississippi Tennessee Railroad, LLC—Discontinuance of Service Exemption—in Union, Pontotoc and Chickasaw Counties, MS, STB Docket No. AB-869X.

<sup>2</sup> A letter from MTH's counsel filed on August 18, 2004, added that, under the parties' proposal, replies would be due on October 11, 2004, which is a legal holiday.

It is ordered:

1. The joint request to extend the time period for either party to request the Board to establish the terms and conditions of the purchase price is granted.
2. If MTH and HB cannot agree on the purchase price, either party may request the Board to establish the terms and conditions of the purchase on or before October 4, 2004; replies are due on or before October 12, 2004.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary