

preferential treatment to railroads, clearly would allow for that to flow over to another entity. All you have to do is go back to the Northern Natural Gas case, and let me quote from it. The court said this, it said, "As we have previously stated, it makes no difference that the undervaluation of the property of the railroad and car companies comes about because of deliberate action by the board, legislative enactment, or the final and binding judgment of the federal courts, the conclusion remains the same. The equal protection clause of the Fourteenth Amendment mandates that the same result be reached with respect to the personal property of Enron, as that in the case of the railroad and car companies." It can't get any clearer than that. That is all it says, and at least I think what the Moore amendment does, if you are going to adopt Senator Warner's amendment, and I don't intend to, and I am blatantly and patently opposed to CA 1, and I don't want anybody to leave here not understanding that, that I oppose that and I will continue to oppose it, and I am on record as opposing it, and I want it to fail. And I want it to fail on public policy tax issues and on public policy basis because I believe that it is bad policy. I also think that the railroad amendment in front of us is bad policy. I think the provisions that were talked about with regard to or raised by Senator Haberman, in terms of what constitutes real property and personal property, is a legitimate issue. I do not know whether, probably do not believe that they are the basis behind the amendment. I don't believe that at all, but I do believe that they can be raised at some point in the future in terms of the question with regard to whether rail constitutes real or personal property. And the figures that we heard about and that have been used, they are included in real property, and I believe they should be. But if they are, by some transformation, become personal property, then the issue that Senator Haberman raises about the shift in terms of the amount of money that we are talking about with this amendment is dramatic. It is dramatic. It will more than double the effect because of the way the numerator, denominator formula works and what would be calculated into that. It is extremely difficult to explain, let alone understand, and it...but rail makes up a big portion of the railroads' real property valuation. That property valuation is over \$650 million in terms of real property. Their personal property is over \$111 million. The rolling stock is over \$375 million. You start making shifts that affect big percentages of that by changing definitions of what fits into one as opposed to the other, and then making percentage adjustments accordingly under the personal property