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SEC

SERVICE DATE - LATE RELEASE JULY 17, 1997

SURFACE TRANSPORTATION BOARD

DECISION

Finance Docket No. 32058

BATTAGLIA DISTRIBUTING CO., INC.

v.

BURLINGTON NORTHERN RAILROAD COMPANY

Decided: July 17, 1997

In a decision served June 27, 1997, the Board dismissed the complaint filed by Battaglia Distributing Co., Inc. (Battaglia), alleging that Burlington Northern Railroad Company (BN) had failed to serve its warehouse on reasonable request, in violation of 49 U.S.C. 11101(a), and to provide a switch connection to the side track serving its warehouse, in violation of 49 U.S.C. 11104(a) [now 49 U.S.C. 11103(a)]. In a letter filed July 16, 1997, counsel for Battaglia requests an extension of the time to file a petition to reopen under 49 CFR 1115.3. Subsection (e) of that rule provides that petitions to reopen must be filed within 20 days after the service of the decision or within any further period not to exceed 20 days as the Board may authorize. The current period for filing a petition to reopen expires July 17, 1997. Counsel requests a 20-day extension because of scheduling difficulties that contributed to a delay in Battaglia's decision to seek reopening.

The request is reasonable and will be granted. Battaglia's appeal will be due no later than August 6, 1997.

It is ordered:

1. The petition is granted.
2. The period for filing petitions to reopen is extended until August 6, 1997.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary