

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42112

E.I. DU PONT DE NEMOURS & COMPANY

v.

CSX TRANSPORTATION, INC.

Decided: May 4, 2009

This decision grants the parties' joint request to hold the procedural schedule in abeyance until May 8, 2009.

E.I. du Pont de Nemours & Company (DuPont) has challenged the reasonableness of rates established by CSX Transportation, Inc. (CSXT) for the transportation of 38 commodities between 99 origin and destination pairs. DuPont alleges that CSXT possesses market dominance over the traffic and requests that the maximum reasonable rates be prescribed along with other relief pursuant to the Board's Stand-Alone Cost test.

On January 13, 2009, the Board served a decision adopting the parties' agreed-upon procedural schedule. On April 9, 2009, the parties filed their first joint request to hold the procedural schedule in abeyance until April 24, 2009. The parties stated they had made sufficient progress in their mediation and requested the Board hold the procedural schedule in abeyance while they attempted to reach a final agreement. On April 17, 2009, the Board served a decision granting the joint request to hold the procedural schedule in abeyance until April 24, 2009, and requiring that the parties file a status report on that date.

On April 24, 2009, the parties filed a second joint request to hold the procedural schedule in abeyance until May 1, 2009. The parties stated they continued to make progress toward reaching a final agreement in this matter, and requested the Board hold the procedural schedule in abeyance until May 1, 2009. On April 27, 2009, the Board served a decision granting the joint request to hold the procedural schedule in abeyance until May 1, 2009, and requiring that the parties file a status report on that date.

On May 1, 2009, the parties filed a status report and third joint stipulation to further hold the procedural schedule in abeyance until May 8, 2009. The parties state that they are very close to reaching a final agreement in this matter. The parties' request to hold the procedural schedule in abeyance until May 8, 2009, is reasonable and will be granted. The parties will be ordered to file a status report with the Board by May 8, 2009.

It is ordered:

1. The parties' joint request to hold the procedural schedule in abeyance until May 8, 2009, is granted.
2. By May 8, 2009, the parties are ordered to file a status report with the Board.
3. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary