

39216
SEC

SERVICE DATE – JULY 22, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42106

AMEROPAN OIL CORPORATION—PETITION FOR DECLARATORY ORDER—
REASONABLENESS OF DEMURRAGE CHARGES

Decided: July 22, 2008

On March 19, 2008, Ameropan Oil Corporation (AOC) filed a petition for declaratory order to resolve a dispute over demurrage charges assessed by Illinois Central Railroad Company (IC), as referred to the Board by the United States District Court for the Northern District of Illinois, on March 13, 2008, in Illinois Central Railroad Company v. Ameropan Oil Corporation, No. 1:07-CV-03833. By decision served on May 29, 2008, the Board adopted a procedural schedule under the Board's modified procedure provisions at 49 CFR part 1112.

On July 11, 2008, IC filed a request that the Board mediate this dispute and hold this matter in abeyance for a 90-day period. The Board's regulations provide for the use of alternative dispute resolution (ADR), including mediation, in cases such as this upon the mutual consent of the parties. See 49 CFR 1109.1. On July 17, 2008, AOC notified the Board in writing that AOC is agreeable to participate in the mediation requested by IC. Because both parties have consented to mediation in writing, the Board will provide for a 90-day period for non-binding mediation, and will designate a staff member to serve as mediator. The procedural schedule will be held in abeyance for 90 days while the parties pursue a mediated agreement.

Within 5 business days of the effective date of this decision, the mediator shall contact the parties to discuss ground rules and the time and location of any meetings. At least one principal of each party, who has the authority to commit that party, shall participate in the mediation and be present at any session at which the mediator requests that the principal be present. The parties are instructed to inform the Board when mediation has ended, with or without a resolution. At the end of the abeyance period, or if mediation ends without a successful resolution of the dispute, the Board will issue a new procedural schedule for this case.

The parties are expected to work together to develop an appropriate confidentiality agreement and, if necessary, request that a protective order be issued by the Board.

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

It is ordered:

1. Mediation is ordered as described above. A member of the Board staff will be designated to serve as mediator pursuant to the instructions set forth above.
2. The procedural schedule is held in abeyance for 90 days while ADR procedures are ongoing.
3. This decision is effective on the date of its service.

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

Anne K. Quinlan
Acting Secretary