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SEC

SERVICE DATE – AUGUST 7, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42094 (Sub-No. 1)

PCI TRANSPORTATION, INC.

v.

FORT WORTH & WESTERN RAILROAD COMPANY

Decided: August 6, 2007

On October 26, 2006, PCI Transportation, Inc. (PCI), filed a complaint including a request for injunctive and other relief against Fort Worth & Western Railroad Company (FWWR) concerning FWWR's allegedly wrongful assessment of demurrage charges at PCI's distribution warehouse in Fort Worth, TX. FWWR and PCI filed proposed procedural schedules on March 16, 2007. The Board, in a decision served on May 11, 2007, adopted a procedural schedule that called for the parties to complete discovery by June 29, 2007, and for the evidentiary record to close by September 14, 2007.

On July 19, 2007, PCI and FWWR filed a joint motion stating that their counsel and the involved parties met in Fort Worth, TX, on July 16 and 17 to assess the potential for mutual compromise and settlement in the above proceeding. Because the parties have concluded, as a result of those meetings, that a basis for a settlement agreement appears possible, they jointly request that the Board suspend the procedural schedule issued on May 11 for a period of 45 days to allow time for the parties to pursue settlement efforts. They add that neither party will be prejudiced if suspension is granted as requested.

In light of the recent discussions between the parties, the request is reasonable and consistent with the Board's preference for private-sector negotiation and resolution of disputes. Therefore, the request will be granted.

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

It is ordered:

1. The joint request to suspend the procedural schedule in this proceeding is granted.
2. The procedural schedule is suspended until September 4, 2007.

3. The parties shall, on or before September 4, 2007, jointly file with the Board a report on the status of their settlement discussions.

4. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary