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SERVICE DATE – OCTOBER 5, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42130

SUNBELT CHLOR ALKALI PARTNERSHIP
v.
NORFOLK SOUTHERN RAILWAY COMPANY AND
UNION PACIFIC RAILROAD COMPANY

Decided: October 5, 2011

This decision grants a joint motion for an extension of the mediation period and a partial stay of the proceeding.

Sunbelt Chlor Alkali Partnership (Sunbelt) challenges the reasonableness of rates and service terms established by Norfolk Southern Railway Company (NSR) and Union Pacific Railroad Company (UP) for the transportation of chlorine from McIntosh, Ala., to LaPorte, Tex. By decision served September 6, 2011, a protective order was adopted for this proceeding.

On September 26, 2011, UP filed a motion with the Board for partial dismissal or, in the alternative, expedited determination of jurisdiction over challenged rates. On October 3, 2011, Sunbelt, NSR, and UP (collectively, the parties), filed a joint motion for an extension of the mediation period and a partial stay of the proceeding. The parties state that on September 28 and 29, 2011, they met to participate in mandatory mediation of their dispute, pursuant to 49 C.F.R. § 1109.4. According to the parties, they engaged in productive dialogue during the meetings, and they request an extension of the mediation period until November 23, 2011. In connection with this extension, the parties request a stay of UP's motion for partial dismissal, including the tolling of the deadline for filing replies until December 13, 2011.

Under 49 C.F.R. § 1109.4(e), the Board will entertain requests to extend mediation if the request for an extension is filed by all interested parties. Given that all parties filed the request to extend mediation and good cause for an extension of the mediation period has been shown, the extension will be granted and the mediation period will be extended until November 23, 2011. The parties' request for a partial stay of the proceeding is also reasonable and will be granted. UP's motion for partial dismissal will be held in abeyance during the extended mediation period, and replies to UP's motion will be due on December 13, 2011.

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

It is ordered:

1. The parties' joint motion to extend the mediation period is granted, and the mediation period is extended until November 23, 2011.
2. The parties' joint motion for a partial stay of the proceeding is granted, and UP's motion for partial dismissal is held in abeyance during the extended mediation period.
3. Replies to UP's motion are due by December 13, 2011.
4. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.