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SEC

SERVICE DATE - JUNE 12, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42012

SIERRA PACIFIC POWER COMPANY AND IDAHO POWER COMPANY

v.

UNION PACIFIC RAILROAD COMPANY

Decided: June 10, 1998

In a complaint filed, and served on defendant, Union Pacific Railroad Company (UP), on August 1, 1997, Sierra Pacific Power Company and Idaho Power Company (complainants) allege that rates assessed by UP to move complainants' unit trains of coal from Sharp, UT, to complainants' North Valmy Station (North Valmy), an electric generating plant in north central Nevada, exceed a maximum reasonable level and that UP possesses market dominance over the traffic. Complainants request that maximum reasonable rates be prescribed, along with related rules and service terms for the movement.

By decision served April 16, 1998, the Board ordered that the market dominance-related discovery in this proceeding be completed by May 6, 1998, and set up a procedural schedule for the submission of market dominance evidence. The parties filed their opening market dominance evidence, as scheduled, on May 26, 1998. On June 4, 1998, however, they filed a joint petition to stay the remainder of the procedural schedule. The parties state that they have reached an agreement in principle on the terms and conditions of a settlement, which, if finalized, would permit withdrawal of the complaint in this proceeding. Accordingly, the parties request that the procedural schedule be suspended until the parties inform the Board either that they have reached an agreement and have filed a request that the complaint be dismissed or that they were unable to reach an agreement.

The joint request will be granted to allow the parties time to negotiate a final settlement to this dispute. Accordingly, the procedural schedule established in the Board's April 16, 1998 decision will be suspended until further order of the Board.

It is ordered:

1. The procedural schedule established in this proceeding by decision served April 16, 1998, is suspended until further order of the Board.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary