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SEC

SERVICE DATE - JANUARY 19, 1999
SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42027

NORTHERN INDIANA PUBLIC SERVICE COMPANY
v.
CONSOLIDATED RAIL CORPORATION

Decided: January 15, 1999

By complaint filed March 11, 1998, Northern Indiana Public Service Company (NIPSC) requests that the Board order Consolidated Rail Corporation (Conrail) to establish a “reasonable rail rate” for the movement of coal in unit trains from Conrail’s interchange with the Union Pacific Railroad Company at Momence, IL, to NIPSC’s generating plant near Wheatfield, IN.

On January 11, 1999, pursuant to 49 CFR 1111.9(a), the parties jointly filed a motion proposing a procedural schedule for resolution of the threshold issue of whether Conrail has the duty to quote a rate for the movement at issue.¹ The proposed procedural schedule appears in the Appendix.

We note that this schedule is more protracted than we would have imposed on our own initiative. We presume that this is because the parties are seeking to resolve the matter privately. We will adopt the proposed procedural schedule because the parties have agreed to it and we have received no objections to it. If, however, at some point in the future, it becomes apparent that private sector resolution is not possible and one party wants to move the proceeding forward more quickly, we can amend the procedural schedule.

It is ordered:

1. The procedural schedule in the Appendix is adopted.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ The schedule filed on January 11, 1999, was an amended schedule that corrects a typographical date error in an earlier version filed on December 21, 1998.

**Appendix
PROCEDURAL SCHEDULE**

Written Discovery Completed by May 28, 1999
(completion — not last day for service of written discovery)

Initial Depositions Completed by July 30, 1999

Dispositive Motions filed by October 1, 1999

Simultaneous Responses filed by December 3, 1999

Simultaneous Replies filed by January 7, 2000

Opening evidence due (NIPSC) 60 days after decision
on dispositive motions (or November 5,
1999, if no dispositive motions)

Reply evidence due (Conrail) 150 days after
decision on dispositive motions (or
February 4, 2000, if no dispositive
motions)

Rebuttal evidence due (NIPSC) 180 days after decision
on dispositive motions (or March 7, 2000,
if no dispositive motions)