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SEC

SERVICE DATE - OCTOBER 14, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 42010

A.O. SMITH CORPORATION; ADVANCE TRANSFORMER CO., A DIVISION OF PHILIPS; ELECTRONICS NORTH AMERICA CORPORATION; ASSOCIATED GROCERS, INC.; FEDCO, INC. DBA YOUR FURNITURE; J. SOSNICK & SON; KENNEDY ENDEAVORS, INC. DBA TIM'S CASCADE STYLE POTATO CHIPS; MASTER-HALCO, INC.; MCCORMICK & COMPANY, INC.; POSER BUSINESS FORMS, INC.; OATEY FKA OATEY CO.; THE GLIDDEN COMPANY; THE PILLSBURY COMPANY; AND THE STATE CHEMICAL MANUFACTURING COMPANY--PETITION FOR DECLARATORY ORDER-- CERTAIN RATES AND PRACTICES OF WILLIG FREIGHT LINES, INC.

Decided: October 8, 1997

This proceeding arises out of the efforts of Willig Freight Lines, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of A.O. Smith Corporation; Advance Transformer Co., a division of Philips; Electronics North America Corporation; Associated Grocers, Inc.; Fedco, Inc. dba Your Furniture; J. Sosnick & Son; Kennedy Endeavors, Inc. dba Tim's Cascade Style Potato Chips; Master-Halco, Inc.; McCormick & Company, Inc.; Poser Business Forms, Inc.; Oatey fka Oatey Co.; The Glidden Company; The Pillsbury Company; and The State Chemical Manufacturing Company (petitioners). The matter is before the Board on referral from the United States Bankruptcy Court for the Northern District of California, for the Board's determination of unreasonable practice, rate unreasonableness, and/or other regulatory defenses asserted by petitioner against respondent's undercharge claim.

By decision served July 30, 1997, the Board established a procedural schedule in this proceeding. Petitioners' opening statements were due on September 29, 1997. Board records, however, indicate that petitioners' have not filed their opening statements. Accordingly, petitioners are directed to file their opening statements by November 3, 1997, or show cause why this proceeding should not be dismissed.

It is ordered:

1. Petitioners are directed to file their opening statements on or before November 3, 1997, or show cause why this proceeding should not be dismissed.
2. If petitioners file their opening statements, respondent's reply statements will be due on December 3, 1997, and petitioners' rebuttal statements will be due on December 23, 1997.
3. This decision is effective on the service date.
4. A copy of this decision will be mailed to:

STB No. 42010

The Honorable Dennis Montali
United States Bankruptcy Court for the
Northern District of California
P. O. Box 7341
San Francisco, CA 94120

Re: Chapter 11 Case No. ND 95-33940-DM,
Adv. Pro. Nos. 97-3191 DM; 96-3545 DM;
96-3536 DM; 97-3072 DM; 96-3704 DM; 97-3389 DM;
97-3079 DM; 97-3318 DM; 96-3787 DM; 97-3118 DM;
97-3153 DM; 96-3747 DM; and 97-3385 DM

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary