

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34870

PYCO INDUSTRIES, INC.

v.

SOUTH PLAINS SWITCHING, LTD. CO.

Decided: May 4, 2007

On April 19, 2006, PYCO Industries, Inc. (PYCO), filed a complaint and a request for civil penalties and other appropriate relief against South Plains Switching, Ltd. Co. (SAW). PYCO alleges that SAW violated various provisions of the Interstate Commerce Act, as amended. On May 9, 2006, SAW moved to dismiss the complaint and filed an answer.

PYCO's complaint was filed pursuant to 49 USC 11701 and 49 CFR 1111.1. SAW's answer and its motion to dismiss were filed pursuant to 49 CFR 1111.4 and 1111.5, respectively. Under 49 CFR 1111.10(a), "In all complaint proceedings, other than those challenging the reasonableness of a rail rate based on stand-alone cost, the parties shall meet, or discuss by telephone, discovery and procedural matters within 12 days after an answer to a complaint is filed." The regulation further states that, "Within 19 days after an answer to a complaint is filed, the parties, either jointly or separately, shall file a report with the Board setting forth a proposed procedural schedule to govern future activities and deadlines in the case." In this case, however, the requirements of 49 CFR 1111.10(a) evidently were never satisfied. The Board will therefore adopt the procedural schedule set out below.

The Board will address the motion to dismiss at a future date.

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

It is ordered:

1. The following procedural schedule is adopted for this proceeding:

Completion of discovery due	June 4, 2007
Complainant's opening statement due	June 29, 2007

Respondent's reply statement due July 24, 2007

Complainant's rebuttal statement due August 3, 2007

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary