

28550  
SEC

SERVICE DATE - NOVEMBER 7, 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: November 4, 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 petitioners against respondent's undercharge claims.

By decision served July 30, 1997, the Board established a procedural schedule in this proceeding. Petitioners' opening statements were filed on October 20, 1997.

On October 20, 1997, a stipulation was filed by respondent and OG Dehydrated, Inc. fka and sued as Gilroy Foods, Inc. (OG Dehydrated) to allow OG Dehydrated to join in this proceeding. The stipulation was served upon all parties of record. OG Dehydrated stated that it is related to petitioner McCormick and Co., Inc. (McCormick), is represented by McCormick's counsel, and that its case raises the same issues of fact and law as have been raised by the other petitioners. Counsel for respondent has agreed to the stipulation to allow OG Dehydrated to be joined in this proceeding. OG Dehydrated's request to join in this proceeding will be granted.

It is ordered:

1. The stipulation to allow OG Dehydrated to join in this proceeding is granted.
2. This decision is effective on its service date.
3. A copy of this decision will be mailed to:

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; 97-3385 DM, and 97-3074 DM

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary