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SEC

SERVICE DATE – LATE RELEASE MAY 11, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42112

E.I. DU PONT DE NEMOURS & COMPANY

v.

CSX TRANSPORTATION, INC.

Decided: May 11, 2009

This decision grants E.I. du Pont de Nemours & Company's (DuPont) request to dismiss its complaint with prejudice and discontinue this proceeding.

Dupont challenged the reasonableness of rates established by CSX Transportation, Inc. (CSXT) for the transportation of 38 commodities between 99 origin and destination pairs. DuPont alleged that CSXT possesses market dominance over the traffic and requested that the maximum reasonable rates be prescribed along with other relief pursuant to the Board's Stand-Alone Cost test.

On January 13, 2009, the Board served a decision adopting the parties' agreed-upon procedural schedule. On April 9, 2009, the parties filed their first joint request to hold the procedural schedule in abeyance until April 24, 2009, which was granted by the Board in a decision served on April 17, 2009. On April 24, 2009, the parties filed a second joint request to hold the procedural schedule in abeyance until May 1, 2009, which was granted by the Board in a decision served on April 27, 2009. On May 1, 2009, the parties filed a status report and third joint stipulation to further hold the procedural schedule in abeyance until May 8, 2009, which was granted by the Board in a decision served on May 4, 2009.

On May 8, 2009, DuPont filed a motion to dismiss its complaint with prejudice and discontinue the proceeding. DuPont states that it has reached a voluntary settlement with CSXT. DuPont's request will be granted.

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

It is ordered:

1. DuPont's motion to dismiss its complaint with prejudice is granted, and this proceeding is discontinued.

2. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary