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SEC

SERVICE DATE - FEBRUARY 20, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 42024

PHILIPS LIGHTING CO.--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF J. K. HUTCH, INC.

Decided: February 17, 1998

This proceeding arises out of the efforts of J.K. Hutch, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of Philips Lighting Co. (petitioner). By decision served December 17, 1997 (December 17 decision) the Board established a procedural schedule. The December 17 decision specifically directed respondent to furnish petitioner with the material called for in Appendix A of Vertex Corp. Pet. Declar. Order Rates and Practices, 9 I.C.C.2d 688 (1993) (Vertex II) modified at 10 I.C.C.2d 367 (1994) (Vertex III). Petitioner's opening statement was due on February 17, 1998.

On January 17, 1998, respondent filed a motion to dismiss. Petitioner file a response to the motion to dismiss on February 9, 1998. By letter filed February 12, 1998, petitioner requested a 30-day extension of time to file its opening statement. Petitioner notes that respondent failed to provide it with the relevant documentation and information described in Appendix A.

In view of the pending motion to dismiss, the Board will treat petitioner's request for an extension of time as a request to hold this proceeding in abeyance. This proceeding will be held in abeyance pending disposition of the motion to dismiss.

It is ordered:

1. This proceeding is held in abeyance pending disposition of the motion to dismiss.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary