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SERVICE DATE – AUGUST 31, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42128

SOUTH MISSISSIPPI ELECTRIC POWER ASSOCIATION

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Decided: August 31, 2011

This decision grants the request of South Mississippi Electric Power Association (SMEPA) to dismiss its complaint against Norfolk Southern Railway Company (NSR) with prejudice.

On December 28, 2010, SMEPA filed a complaint challenging the reasonableness of certain rates, rules, and other terms established by NSR for the transportation of coal from NSR-served mine origins and origin groups in Kentucky, Virginia, West Virginia, Tennessee, and Alabama, and from NSR-served docks in Mobile, Ala., to SMEPA's R.D. Morrow, Sr. Generating Station, near Richburg, Miss. The Board established a procedural schedule in this proceeding in a decision served on March 14, 2011.

On August 22, 2011, SMEPA filed a motion to dismiss its complaint with prejudice, stating that SMEPA and NSR have reached a settlement. SMEPA's motion will be granted, and this proceeding will be discontinued.<sup>1</sup>

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

It is ordered:

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

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<sup>1</sup> On August 3, 2011, SMEPA filed a petition to revise the current procedural schedule. NSR replied in opposition to SMEPA's petition on August 8, 2011. Because SMEPA's motion to dismiss its complaint will be granted, the petition to revise the procedural schedule is now moot.

2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.