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SERVICE DATE – SEPTEMBER 27, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42110

SEMINOLE ELECTRIC COOPERATIVE, INC.

v.

CSX TRANSPORTATION, INC.

Decided: September 24, 2010

This decision grants the request of Seminole Electric Cooperative, Inc. (SECI) to dismiss its complaint against CSX Transportation, Inc. (CSXT) with prejudice.

On October 3, 2008, SECI filed a complaint challenging the reasonableness of the rates established by CSXT for transportation of coal from various origins to SECI's Seminole Generating Station, near Palatka, Fla., effective January 1, 2009. SECI alleged that CSXT possesses market dominance over this traffic and requested that reasonable rates be prescribed pursuant to the Board's stand-alone cost (SAC) test.

After the Board developed a record on the merits of SECI's complaint, including holding an oral argument on June 30, 2010, SECI filed a motion to stay and to hold this proceeding in abeyance until September 15, 2010. In that motion, SECI stated that it had reached an agreement in principle with CSXT, and that both parties believed that they would be able to reach a full and final negotiated resolution and enter into a new rail transportation contract. SECI's motion to stay was granted by a decision served August 11, 2010.

On September 14, 2010, SECI filed a motion to dismiss its complaint with prejudice, stating that SECI and CSXT have reached a settlement. SECI's motion to dismiss will be granted, and this proceeding will be discontinued.

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

It is ordered:

1. SECI's motion is granted. The complaint is dismissed with prejudice, and this proceeding is discontinued.
2. This decision is effective on its service date.

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