

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41932

ACORN SUPPLY COMPANY, INC.; ANDERSON MOULDS, INC.; AQUA TREAT CHEMICALS, INC.; THE FLECTO COMPANY, INC.; FLORAL SUPPLY SYNDICATE, INC.; GEORGIA PACIFIC CORP.; GRUNER & JAHR PRINTING AND PUBLISHING COMPANY DBA FIRST WESTERN GRAPHICS; HERSHEY FOODS CORPORATION; HIGHLAND SUPPLY CORPORATION; LEVI STRAUSS & CO., INC.; THE MEAD CORP.; THE MUSICLAND GROUP, INC.; SHINODA DESIGN CENTER; SUNSHINE BISCUITS, INC.; AND WHIRLPOOL CORPORATION--PETITION FOR DECLARATORY ORDER--CERTAIN RATES AND PRACTICES OF INDUSTRIAL FREIGHT SYSTEM, INC. AND ITS CORONA TRUCKING DIVISION

Decided: May 19, 1997

This proceeding arises out of the efforts of Industrial Freight System, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of Acorn Supply Company, Inc.; Anderson Moulds, Inc.; Aqua Treat Chemicals, Inc.; The Flecto Company, Inc.; Floral Supply Syndicate, Inc.; Georgia Pacific Corp.; Grunder & Jahr Printing and Publishing Company d/b/a First Western Graphics; Hershey Foods Corporation; Highland Supply Corporation; Levi Strauss & Co., Inc.; The Mead Corp.; The Musicland and Group, Inc.; Shinoda Design Center; Sunshine Biscuits, Inc.; and Whirlpool Corporation (petitioners). The matter is before the Board on referral from the United States Bankruptcy Court for the Central 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 claim.

By decision served September 27, 1996, the Board established a procedural schedule in this proceeding. Petitioners and respondent filed their opening statements and replies. By stipulation filed May 16, 1997, petitioner Levi Strauss & Co., Inc. (Levi) requests that the Board dismiss it as a party to this proceeding because its underlying court case has been settled.

The request will be granted and Levi will be dismissed from this proceeding.

It is ordered:

1. Petitioner Levi is dismissed from this proceeding.
2. This decision is effective on the service date.
3. A copy of this decision will be mailed to:

The Honorable Ernest M. Robles
United States Bankruptcy Court for
the Central District of California
Edward Roybal Federal Building and Courthouse
255 East Temple Street
Los Angeles, CA 90012

Re: Case No. LA 93-41245-ER, Adv. No. AD 95-03101 ER

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary