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SEC

SERVICE DATE - LATE RELEASE NOVEMBER 27, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41875

MINNESOTA MINING AND MANUFACTURING COMPANY,
3M O-CEL-0 DIVISION--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

Decided: November 21, 1996

This proceeding arises out of the efforts of St. Johnsbury Trucking Company, Inc. (respondent) to collect undercharges on certain shipments from shipper, Minnesota Mining and Manufacturing Company, 3M O-Cel-0 Division (petitioner). The matter is before the Board on referral from the United States District Court for the Southern District of New York.

By decision served July 11, 1996, a procedural schedule was established in this proceeding. Petitioner's opening statement was due on September 9, 1996. However, Board records indicate that petitioner has not filed its statement. Therefore, petitioner is directed to file its opening statement or show cause within 20 days of service of this decision why this proceeding should not be dismissed.

It is ordered:

1. Petitioner is directed within 20 days of service of this decision to file its opening statement or to show cause why this proceeding should not be dismissed.
2. If petitioner files its opening statement, respondent's reply statement will be due 30 days from petitioner's opening statement, and petitioner's rebuttal statement will be due 20 days from the date of respondent files its reply.
3. This decision is effective on the service date.
4. A copy of this decision will be mailed to:

The Honorable Sonia Sotomayor
United States District Court for
the Southern District of New York
500 Pearl Street, Room 1340
New York, NY 10038

Re: Civil Case No. 95 CIV 1192(SS),
Adv. No. 95/9239A

By the Board. Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary