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ALJ

SERVICE DATE - JUNE 10, 1998

SURFACE TRANSPORTATION BOARD

DECISION

ADMINISTRATIVE MATTER NO. 1

RICHARD M. BITER
V.
SURFACE TRANSPORTATION BOARD

Decided: June 8, 1998

On June 8, 1998, a prehearing conference was held in the above-captioned case in a hearing room of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC. John Atkisson, Esq., appeared at the prehearing conference on behalf of the Surface Transportation Board. Dennis L. Friedman, Esq., counsel for Richard M. Biter, participated in the conference by speaker phone at Mr. Friedman's request. Mr. Friedman indicated that Mr. Biter would not be participating personally in the conference.

Richard M. Biter, through counsel, waived the requirement that the hearing official issue a decision within 60 days following the employee's request for a hearing, as stated in 49 C.F.R. §§ 1017.4 and 1017.5. All parties agreed to waive the provision of 49 C.F.R. § 1017.5(b) stating that a verbatim transcript of the hearing shall not be made.

At the conclusion of the conference, counsel for both parties agreed that they would be available to appear personally at a hearing in this matter August 7, 1998, at 10:00 a.m. Accordingly, it is hereby ordered that a hearing in the above-captioned case will be held on August 7, 1998, at 10:00 a.m., in a hearing room of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC.

This decision is effective on the service date.

By the Board, Judith A. Dowd, Administrative Law Judge

Vernon A. Williams
Secretary