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SEC

SERVICE DATE – SEPTEMBER 22, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42081

DYNO NOBEL INC.

v.

KANEB PIPE LINE PARTNERS, L.P.

Decided: September 17, 2003

On June 16, 2003, Dyno Nobel Inc. (Dyno) filed a complaint with the Board challenging certain rate increases made by Kaneb Pipe Line Partners, L.P. (Kaneb) with respect to pipeline shipments of anhydrous ammonia.

In a decision served July 1, 2003, the Board granted Kaneb's motion for an extension of time to file its answer to the complaint until August 1, 2003. On that date, Kaneb filed its answer and also a motion to dismiss Count I of the complaint. In a decision served August 12, 2003, the Board granted Dyno's motion for an extension of time to file its reply to Kaneb's motion to dismiss until September 12, 2003. On that date, Dyno filed its reply and also a counter-motion for summary disposition of Count I in its favor.

In a decision served August 26, 2003, the Board granted the parties' request for a two-week extension of time, until September 4, 2003, for Dyno to complete its responses to Kaneb's initial discovery requests, and an extension of time, until September 15, 2003, for Kaneb to file, if necessary, a motion to compel Dyno's responses to these discovery requests.

By a motion filed on September 15, 2003, Dyno and Kaneb jointly request a one-week extension of time, to September 22, 2003, for Kaneb to file, if necessary, a motion to compel Dyno to respond to Kaneb's initial discovery requests. In support of this extension request, the parties state that Dyno has made several responses to Kaneb's discovery requests, and that they are attempting to resolve certain discovery issues without resort to a motion to compel. They claim that a brief extension is necessary to allow counsel to consult with their clients in an attempt to conclude these matters.

The parties have shown good cause for the extension request, and it will be granted.

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

It is ordered:

1. The deadline by which Kaneb must file a motion to compel responses to its initial discovery requests is extended to September 22, 2003.
2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary