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SEC

SERVICE DATE - JANUARY 28, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41728

MASCOTECH, INC.--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF FRIEDMAN'S EXPRESS, INC.

Decided: January 23, 1997

This proceeding arises out of the efforts of Friedman's Express, Inc. to collect undercharges on certain shipments from shipper, Mascotech, Inc. (petitioner). The matter is before the Board on referral from the United States Bankruptcy Court for the Eastern District of Pennsylvania.

By decision served May 24, 1996, a procedural schedule was established in this proceeding. Petitioner's opening statement was due on July 23, 1996.

By decision served December 2, 1996, the Board directed petitioner to show cause why this proceeding should not be dismissed. The Board noted that petitioner had not filed an opening statement. Petitioner failed to respond.

Because petitioner failed to respond to the Board's May 24 decision and December 2 show cause decision, the Board cannot render a decision based on the existing record. Petitioner did not reply and, by its silence, we must conclude that it is no longer interested in pursuing its petition for declaratory order. Therefore, this proceeding will be dismissed.

It is ordered:

1. This proceeding is dismissed.
2. A copy of this decision will be mailed to:

The Honorable Thomas M. Twardowski
United States Bankruptcy Court for
the Eastern District of Pennsylvania
Madison Building, Suite 301
400 Washington Street
Reading, PA 19601

Re: Case No. 93-21066T,
Adv. No. 95-2409

3. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary