

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42084

CF INDUSTRIES, INC. v. KANEB PIPE LINE PARTNERS, L.P.
and KANEB PIPE LINE OPERATING PARTNERSHIP, L.P.

Decided: September 28, 2004

In a decision served August 12, 2004, the Board ordered Kaneb Pipe Line Partners, L.P. and Kaneb Pipe Line Operating Partnership, L.P. (collectively, Kaneb), to reduce the rates charged to CF Industries, Inc. (CFI), for the pipeline transportation of anhydrous ammonia to the level the Board previously prescribed in CF Industries Inc. v. Koch Pipeline Company, L.P., STB Docket No. 41685 (STB served May 9, 2000), aff'd sub nom. CF Industries, Inc. v. STB, 255 F.3d 816 (D.C. Cir. 2001). The Board also asked for more information to determine whether to vacate the prescription for future transportation, and established a procedural schedule for the submission of pleadings. In a decision served September 16, 2004, pursuant to a joint request by the parties, the Board extended the due dates for filing reply and rebuttal evidence.¹

By a joint motion filed September 24, 2004, Kaneb and CFI ask for another extension of the due dates for filing these pleadings. The parties explain that they have reached an agreement in principle for the resolution of the issues in this proceeding, and need additional time to work out the details. The parties ask that CFI be allowed to file its reply evidence on October 7, 2004, and that Kaneb be allowed to file its rebuttal evidence on October 14, 2004.²

Good cause exists to grant the proposed extensions, and the motion will be granted. Accordingly, CFI's reply evidence will be due on October 7, and Kaneb's rebuttal will be due on October 14.

¹ On that date, the Board also issued a protective order under 49 CFR 1104.14(b) in this proceeding.

² On September 17, 2004, Dyno Nobel Inc., another shipper of anhydrous ammonia on Kaneb's pipeline, filed a petition to intervene in this proceeding. This request will be addressed if Kaneb and CFI do not reach a resolution that results in dismissal of the proceeding.

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

It is ordered:

1. The deadline for CFI to file its reply evidence is extended until October 7, 2004.
2. The deadline for Kaneb to file its rebuttal is extended until October 14, 2004.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary