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SEC

SERVICE DATE - SEPTEMBER 17, 1997

SURFACE TRANSPORTATION BOARD¹

DECISION

No. 41634

NATIONAL BEEF PACKING CO.--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF J.H. WARE TRUCKING INC.

Decided: September 10, 1997

By decision served October 25, 1995, a procedural schedule was established in this proceeding. Due dates were extended by subsequent decisions. Petitioner's opening statement was due on August 9, 1997.

By letters filed September 4 and 9, 1997, petitioner requests an additional extension to September 19, 1997, to file its opening statement. Petitioner states that additional time is needed because of the absence of its expert witness and the lack of documentation. Petitioner further states that they have notified respondent's counsel, and that respondent does not object to this request.

Petitioner's request for an extension of the due date for its opening statement will be granted.

It is ordered:

1. Petitioner's extension request is granted.
2. Petitioner's opening statement is due on September 19, 1997.
3. Respondent's reply statement is due on October 19, 1997.
4. Petitioner's rebuttal statement is due on November 10, 1997.
5. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ On December 29, 1995, the President signed the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICC Termination Act or the Act). Effective January 1, 1996, the Act abolished the Interstate Commerce Commission (ICC) and transferred various ICC functions to a newly created Surface Transportation Board (Board), including the resolution of issues in motor carrier undercharge proceedings, 49 U.S.C. 13709-13711.