

SERVICE DATE - AUGUST 19, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41891¹

REDCO FOODS, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41899

UNITED PIPE AND STEEL CORP.--PETITION FOR
DECLARATORY ORDER--CERTAIN RATES AND PRACTICES
OF ST. JOHNSBURY TRUCKING COMPANY, INC.

Decided: August 14, 1997

These proceedings arise out of the efforts of St. Johnsbury Trucking Company, Inc. (respondent) to collect undercharges on certain shipments from Redco Foods, Inc., and United Pipe and Steel Corp (petitioners). The matters are before the Board on referral from the United States District Court for the Southern District of New York.

By decisions served July 15 and 18, 1996, procedural schedules were established in these proceedings. Petitioners' opening statements were due on March 17, 1997.

By decision served July 15, 1997, the Board directed petitioners to show cause why these proceedings should not be dismissed. The Board noted that petitioners had not filed their opening statements. Petitioners failed to respond.

Because petitioners failed to respond to the Board's July 15 and 18, 1996 decisions and July 15, 1997 show cause decision, the Board cannot render a decision based on the existing record. Petitioners did not reply and, by their silence, we must conclude that they are no longer interested in pursuing their petitions for declaratory order. Therefore, these proceedings will be dismissed.

It is ordered:

1. These proceeding are dismissed.
2. A copy of this decision will be mailed to:

The Honorable Sonia Sotomayor
United States District Court for
the Southern District of New York
500 Pearl Street, Room 1340
New York, NY 10038

Re: Civil Case No. 95 CIV 4925(SS), Adv. No. 95/9426A and
Civil Case No. 96 CIV 0004(SS), Adv. No. 95/1609A

3. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.