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SERVICE DATE - NOVEMBER 2, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42048

PETITION FOR DECLARATORY ORDER--NANCY HALL v. ALOHA INTERNATIONAL
MOVING SERVICES, INC., ALLIED VAN LINES, INC., VIP TRANSPORT, INC.,
AND ALLIED INTERNATIONAL N.A., INC.

Decided: October 27, 1999

By petition filed September 13, 1999, Ms. Nancy Hall (petitioner) seeks a declaratory order to resolve issues concerning tariff applicability, rates, and the reasonableness of rates for the transportation of household goods. Petitioner states that the Board has jurisdiction over the issues pursuant to 49 U.S.C. 13501, 13701, 13702, 13710, and 14701, and that the matter is before the Board on referral from the United States District Court for the District of Minnesota, in Case No. 98-1217 (MJD/JGL), Nancy Hall v. Aloha International Moving Services, Inc., Allied Van Lines, Inc., VIP Transport, Inc., and Allied International N.A., Inc. According to petitioner, the court's referral order, dated June 1, 1999, stayed the court proceedings pending the Board's determination of the issues. By reply filed October 13, 1999, defendants in the Minnesota district court case summarily deny petitioner's allegations.

Under the Board's authority in 5 U.S.C. 554(e) and 49 U.S.C. 721, a proceeding is instituted to resolve the controversy here, which, according to petitioner, has been referred by a federal court. The Board will resolve this matter pursuant to the modified procedure rules at 49 CFR 1112.1, et seq.

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

It is ordered:

1. A declaratory order proceeding is instituted. This proceeding will be handled under the modified procedure, on the basis of written statements submitted by the parties. All parties must comply with the Rules of Practice, including 49 CFR 1112 and 1114.

2. Petitioner's opening statement is due on December 2, 1999. Respondents' reply is due on December 22, 1999. Petitioner's rebuttal is due on January 11, 2000.

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3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary