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SEC

SERVICE DATE - OCTOBER 29, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42043

FARMCO, INC. v. CENTRAL KANSAS RAILWAY L.L.C. AND  
KANSAS SOUTHWESTERN RAILWAY L.L.C.

Decided: October 28, 1999

On June 4, 1999, Farmco, Inc. (FMCO), a farmers' cooperative, filed a complaint alleging that, between July 1, 1998, and September 30, 1998, Central Kansas Railway, L.L.C. (CKR) and Kansas Southwestern Railway, L.L.C. (KSW) (collectively, defendants) failed to deliver hopper cars that were guaranteed under the grain car allocation procedures prescribed in Union Pacific Railroad Company (UP) tariffs. On June 22, 1999, defendants jointly filed their answer to the complaint. On July 7, 1999, FMCO filed a reply to defendants' answer. On July 26, 1999, FMCO amended its complaint to include shipments that moved during the period between October 1, 1998, and January 10, 1999. On August 12, 1999, defendants filed their answer to the amended complaint. On August 26, 1999, FMCO filed a reply to the defendants' answer. A procedural schedule was established by a decision served on July 21, 1999, and was revised by a decision served on September 29, 1999.

In a letter jointly filed on October 26, 1999, the parties indicate that they are engaged in negotiations to resolve the dispute. To facilitate the negotiations, the parties jointly request that the Board establish the following new procedural schedule:

December 1, 1999	FMCO's opening evidence
January 17, 2000	Defendants' reply evidence
February 16, 2000	FMCO's rebuttal evidence
March 17, 2000	The parties will file briefs.

Good cause exists for granting the parties' request for a new procedural schedule to facilitate the settlement negotiations. The revised procedural schedule will be adopted.

It is ordered:

1. The joint request for a new procedural schedule is granted.
2. This decision is effective on the date served.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary