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SEC

SERVICE DATE - OCTOBER 9, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41829

MELARD MANUFACTURING CORP.--PETITION FOR DECLARATORY ORDER--  
CERTAIN RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

Decided: October 6, 1997

This proceeding arises out of the efforts of St. Johnsbury Trucking Company, Inc. (respondent) to collect undercharges on certain shipments from Melard Manufacturing Corp. (petitioner). The matter is before the Board on referral from the United States District Court for the Southern District of New York.

By decision served July 27, 1996, the Board established a procedural schedule in this proceeding. Subsequently, by decision served September 22, 1997, the Board directed petitioner to show cause why this proceeding should not be dismissed.

By letter filed October 3, 1997, petitioner advised the Board that the lawsuit from which this proceeding arises has been dismissed. Accordingly, petitioner requests discontinuance and dismissal of this proceeding. The request will be granted.

It is ordered:

1. This proceeding is dismissed.
2. This decision is effective on the service date.
3. 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 2071 (SS), Adv. No. 95/8212A

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary