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SEC

SERVICE DATE – LATE RELEASE FEBRUARY 8, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42090

WTL RAIL CORPORATION–PETITION FOR DECLARATORY RELIEF

Ex Parte No. 230 (Sub-No. 8)¹

IMPROVEMENT OF TOFC/COFC REGULATION–
WTL RAIL CORPORATION PETITION FOR PARTIAL
REVOCATION OF EXEMPTION

Decided: February 8, 2005

On December 14, 2004, WTL Rail Corporation (WTL) filed a petition under 5 U.S.C. 554(e) and 49 U.S.C. 721 seeking a declaratory ruling from the Board that: (1) certain practices of CSX Transportation, Inc. (CSXT) constitute an unreasonable practice in violation of 49 U.S.C. 10702 and 10704(a)(1); and (2) CSXT's refusal to use WTL's trailers as part of its 48-foot trailer fleet jeopardizes CSXT's ability to fulfill its car service obligations under 49 U.S.C. 11121-22. WTL seeks a cease and desist order. WTL also asks that the Board compel CSXT to use WTL's trailers and set a "default" rate for trailer compensation in the event the parties are unable to reach terms through negotiation. WTL concurrently filed a petition under 49 U.S.C. 10502(d) and 49 CFR 1121.1, *et seq.* for partial revocation of the class exemption adopted in Improvement of TOFC/COFC Regulation, 364 I.C.C. 731 (1981).

On February 7, 2005, CSXT and CSX Intermodal (CSXI) filed a request for an extension until February 15, 2005, to respond to WTL's petitions. CSXT and CSXI indicate that WTL's counsel has concurred with their extension request.

Good cause exists to grant the extensions requested by CSXT and CSXI until February 15, 2005, to submit responses to WTL's petitions.

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

It is ordered:

1. Replies by CSXT and CSXI to WTL's petitions in these proceedings are due on or before February 15, 2005.

2. This decision is effective on the date served.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary