

SURFACE TRANSPORTATION BOARD

DECISION

No. 41295

PENNSYLVANIA POWER & LIGHT COMPANY

v.

CONSOLIDATED RAIL CORPORATION

Decided: January 14, 1997

After having ruled that this complaint may proceed in all respects except as to the reasonableness of the single car rates,¹ the Board is establishing a procedural schedule for hearing the remaining issues.

This case will proceed in accordance with the Board's new regulations for processing rail rate reasonableness complaints.² Under our new regulations at 49 CFR 1111.8, the "Day 0" commencement of the processing schedule is normally the day that the complaint is filed. Here, the development of the record was held in abeyance while our jurisdiction to hear this complaint was considered. Under these circumstances, we will begin the procedural schedule on the date on which this decision is served. All other dates that are dependent on the date of filing of the complaint under our regulations will be determined with reference to the date of service of this decision. See 49 CFR 1104.7(a).

We will dispense with the requirement that the defendant must answer the complaint on Day 20. The length of the general procedural schedule will remain the same (210 days), however.

We call the parties' attention in particular to the requirements in our new regulations pertaining to the number of copies and the format of evidentiary statements. See revised 49 CFR 1104.3(a).

If necessary, we will assign this case to an administrative Law Judge for the resolution of any discovery disputes. We encourage the parties to resolve discovery by agreement.

It is ordered:

1. This proceeding will be processed as described in this decision.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

¹ See Central Power & Light Company v. Southern Pacific Transportation Company, et al., Nos. 41242 et al. (STB served Dec. 31, 1996).

² See Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings, STB Ex Parte No. 527 (STB served Oct. 1, 1996 and Nov. 15, 1996), published in the Federal Register at 61 FR 52710 (Oct. 1, 1996), 61 FR 53996 (Oct. 16, 1996), 61 FR 57339 (Nov. 6, 1996) (postponing effective date), and 61 FR 58490 (Nov. 15, 1996).

Vernon A. Williams
Secretary