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SEC

SERVICE DATE – NOVEMBER 29, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34870

PYCO INDUSTRIES, INC.

v.

SOUTH PLAINS SWITCHING, LTD. CO.

Decided: November 28, 2007

On April 19, 2006, PYCO Industries, Inc. (PYCO) filed a complaint and a request for civil penalties and other appropriate relief against South Plains Switching, Ltd. Co. (SAW) alleging that SAW violated various provisions of the Interstate Commerce Act, as amended. On May 9, 2006, SAW moved to dismiss the complaint and filed an answer. By decision served on May 4, 2007, the Board adopted a procedural schedule; by decisions served on June 6, 2007, and July 3, 2007, the Board modified the procedural schedule. By decision served on August 28, 2007, the Board suspended the procedural schedule.

By letter filed on November 13, 2007, PYCO, pursuant to a settlement agreement between itself, SAW, and Choo Choo Properties, Inc., requests voluntary dismissal of its complaint for damages. The request will be granted.

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

It is ordered:

1. PYCO's request to dismiss its complaint for damages is granted.
2. This proceeding is terminated.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary