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SERVICE DATE – FEBRUARY 24, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42125

E.I. DUPONT DE NEMOURS AND COMPANY
v.
NORFOLK SOUTHERN RAILWAY COMPANY

Decided: February 23, 2011

This decision establishes a procedural schedule for this proceeding.

E.I. du Pont de Nemours and Company (DuPont) challenges the reasonableness of rates established by Norfolk Southern Railway Company (NS) for the transportation of 27 different commodities between 146 origin and destination pairs. DuPont alleges that NS possesses market dominance over the traffic and requests that maximum reasonable rates be prescribed pursuant to the Board's Stand-Alone Cost test.

On January 10, 2011, DuPont filed a motion in which it requests that the Board adopt the following procedural schedule:

Discovery Closes	June 30, 2011
Joint Submission of Operating Characteristics	September 14, 2011
Complainant's Opening	October 31, 2011
Defendant's Reply	March 7, 2012
Complainant's Rebuttal	June 29, 2012
Closing Briefs	August 17, 2012

DuPont states that NS does not oppose the motion.

DuPont's unopposed motion to establish a procedural schedule will be granted, and the procedural schedule set forth above will be adopted for this proceeding. The parties are reminded that they may request a staff-supervised discovery conference. In an effort to maintain the procedural schedule that will be adopted here, the parties are encouraged to request such a conference at least 60 days prior to the end of the scheduled discovery period.

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

It is ordered:

1. DuPont's motion for procedural schedule is granted, and the schedule described above is adopted for this proceeding.

2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.