

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42112

E.I. DU PONT DE NEMOURS & COMPANY

v.

CSX TRANSPORTATION, INC.

Decided: April 17, 2009

This decision grants the parties' joint request to hold the procedural schedule in abeyance until April 24, 2009.

E.I. du Pont de Nemours & Company (DuPont) has challenged the reasonableness of rates established by CSX Transportation, Inc. (CSXT) for the transportation of 38 commodities between 99 origin and destination pairs. DuPont alleges that CSXT possesses market dominance over the traffic and requests that the maximum reasonable rates be prescribed along with other relief pursuant to the Board's Stand-Alone Cost test.

On January 13, 2009, the Board served a decision adopting the parties' agreed-upon procedural schedule. On April 9, 2009, the parties filed a joint request to hold the procedural schedule in abeyance until April 24, 2009. The parties state that they have made sufficient progress in their mediation to hold the procedural schedule in abeyance while they attempt to reach a final agreement.

The parties' request to hold the procedural schedule in abeyance until April 24, 2009, is reasonable and will be granted. The parties will be ordered to file a status report with the Board by April 24, 2009.

It is ordered:

1. The parties' joint request to hold the procedural schedule in abeyance until April 24, 2009, is granted.
2. By April 24, 2009, the parties are ordered to file a status report with the Board.

3. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary