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SEC

SERVICE DATE – LATE RELEASE OCTOBER 12, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42094 (Sub-No. 1)

PCI TRANSPORTATION, INC.

v.

FORT WORTH & WESTERN RAILROAD COMPANY

Decided: October 12, 2007

On October 26, 2006, PCI Transportation, Inc. (PCI), filed a complaint, including a request for injunctive and other relief, against Fort Worth & Western Railroad Company (FWWR) concerning FWWR's allegedly wrongful assessment of demurrage charges at PCI's distribution warehouse in Fort Worth, TX. The Board, in a decision served on May 11, 2007, adopted a procedural schedule that called for the parties to complete discovery by June 29, 2007, and for the evidentiary record to close by September 14, 2007.

By decision served on August 7, 2007, the Board suspended the procedural schedule until September 4, 2007, at the parties' request, to give them time to pursue settlement efforts. The parties were ordered to file with the Board, on or before September 4, 2007, a joint report on the status of their settlement discussions. By decision served on September 6, 2007, the Board, at the parties' request, further suspended the procedural schedule until October 5, 2007. As before, the parties were ordered to file with the Board, on or before October 5, 2007, a joint report on the status of their settlement discussions.

On October 9, 2007, PCI and FWWR filed a third joint motion requesting suspension of the procedural schedule for an additional 15 days, until October 25, 2007, to give them time to pursue and complete settlement efforts. They state that several issues have already been resolved and agree that the remaining issues can be resolved amicably.

The request is reasonable and consistent with the Board's preference for private-sector negotiation and resolution of disputes. Therefore, 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. The joint request to suspend the procedural schedule in this proceeding is granted.
2. The procedural schedule is suspended until October 25, 2007.
3. The parties shall, on or before October 25, 2007, file with the Board a joint report on the status of their settlement discussions.
4. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary