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SEC

SERVICE DATE - LATE RELEASE NOVEMBER 4, 1996

SURFACE TRANSPORTATION BOARD¹

DECISION

No. 41596

AMERICAN DESK MANUFACTURING COMPANY, ANEMOSTAT PRODUCTS DIVISION
OF DYNAMICS CORPORATION OF AMERICA, BELOIT CORPORATION,
BOB BARKER COMPANY, CHERNE INDUSTRIES INCORPORATED, GREENWALD
INDUSTRIES, INC., I-KUP A DIVISION OF JAMES RIVER CORPORATION
OF VIRGINIA, AND INDUSTRIAL FABRICS CORPORATION--PETITION FOR
DECLARATORY ORDER--CERTAIN RATES AND PRACTICES OF TRANSCON LINES

Decided: October 29, 1996

This proceeding arises out of the efforts of Transcon Lines (respondent) to collect undercharges on certain shipments from shippers, American Desk Manufacturing Company, Anemostat Products Division of Dynamics Corporation of America, Beloit Corporation, Bob Barker Company, Cherne Industries Incorporated, Greenwald Industries, Inc., Handi-Kup a division of James River Corporation of Virginia, and Industrial Fabrics Corporation (petitioners). The matter is before the Board on referral from the United States Bankruptcy Court, Central District of California, in Leonard L. Gumpert, Chapter 7 Trustee of the Bankruptcy Estate of Transcon Lines v. American Desk Manufacturing Company, Anemostat Products Division of Dynamics Corporation of America, Beloit Corporation, Bob Barker Company, Cherne Industries Incorporated, Greenwald Industries, Inc., Handi-Kup a division of James River Corporation of Virginia, and Industrial Fabrics Corporation, Case No. SB- 93--22207 DN, Chapter 7, Adv. No. SB-94-01376-DN, Adv. No. SB-93-02225-DN; Adv. No. SB-93-02241-DN; Adv. No. SB-94-01480-DN, Adv. No. SB-93-02345-DN, Adv. No. SB-94-01503-DN, Adv. No. SB-94-01505-DN, and Adv. No. SB-93-02304-DN, respectively (referral orders dated April 19, 1995, the Beloit order was entered on May 3, 1995 and amended May 31, 1995).

By decision served July 19, 1995, the ICC established a procedural schedule in this proceeding.

By letters filed July 1, 1996, and October 10, 1996, petitioner Handi-Kup a Division of James River Corporation of Virginia (Handi-Kup) requested that the Board dismiss it as a party to this proceeding because its underlying court case has been dismissed by the referring court by order dated May 31, 1996.²

Petitioner's request will be granted, and Handi-Kup will be dismissed from this proceeding.

It is ordered:

1. Petitioner Handi-Kup is dismissed from this proceeding.
2. This decision is effective on the service date.
3. A copy of this decision will be mailed to:

The Honorable David N. Naugle
United States Bankruptcy Court,
Central District of California
200 Federal Building
699 North Arrowhead Avenue
San Bernardino, CA 92401

Re: Case No. SB 93-22207 DN, Chapter 7,
Adv. No. SB-94-01505

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ On December 29, 1995, the President signed the ICC Termination Act of 1995, Pub. L No. 104-88, 109 Stat. 803 (ICC Termination Act or the Act). Effective January 1, 1996, the Act abolished the Interstate Commerce Commission (ICC) and transferred various ICC functions to a newly created Surface Transportation Board (Board), including the resolution of issues in motor carrier undercharge proceedings, 49 U.S.C. 13709-13711.

² By decision served December 12, 1995, petitioner Greenwald Industries, Inc., was dismissed from this proceeding.