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SEC

SERVICE DATE - LATE RELEASE NOVEMBER 27, 1996

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41725

KIWI BRANDS, INC.--PETITION FOR DECLARATORY ORDER--  
CERTAIN RATES AND PRACTICES OF FRIEDMAN'S EXPRESS, INC.

Decided: November 21, 1996

This proceeding arises out of the efforts of Friedman's Express, Inc. (respondent) to collect undercharges on certain shipments from shipper, Kiwi Brands, Inc. (petitioner). The matter is before the Board on referral from the United States Bankruptcy Court for the Eastern District of Pennsylvania.

By decision served May 23, 1996, a procedural schedule was established in this proceeding. Petitioner's opening statement was due on July 22, 1996. However, Board records indicate that petitioner has not filed its statement. Therefore, petitioner is directed to file its opening statement or show cause within 20 days of service of this decision why this proceeding should not be dismissed.

It is ordered:

1. Petitioner is directed within 20 days of service of this decision to file its opening statement or to show cause why this proceeding should not be dismissed.
2. If petitioner files its opening statement, respondent's reply statement will be due 30 days from petitioner's opening statement, and petitioner's rebuttal statement will be due 20 days from the date of respondent files its reply.
3. This decision is effective on the service date.
4. A copy of this decision will be mailed to:

The Honorable Thomas M. Twardowski  
United States Bankruptcy Court for  
the Eastern District of Pennsylvania Madison Building,  
Suite 301 400 Washington Street  
Reading, PA 19601

Re: Case No. 93-21066T,  
Adv. No. 9S-2109

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary