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SEC

SERVICE DATE - AUGUST 12, 1997

SURFACE TRANSPORTATION BOARD

DECISION

No. 41604

WESTERN RESOURCES, INC.

v.

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

Decided: August 8, 1997

By motion filed August 5, 1997, Western Resources, Inc. (Western) states that the parties have reached a negotiated settlement regarding the rate-related issues in this proceeding and requests that: (1) we dismiss with prejudice Western's petition to reopen filed on June 17, 1997; (2) we reopen our decision served May 28, 1997, to provide expressly that Western's complaint is dismissed with prejudice; and (3) the proceeding be discontinued. Western states that the defendant concurs in the motion.

The motion will be granted.

It is ordered:

1. Western's petition to reopen filed on June 17, 1997, is dismissed with prejudice.
2. Western's complaint in this proceeding is dismissed with prejudice and this proceeding is discontinued.
3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary