

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42118¹

BRAMPTON ENTERPRISES, LLC D/B/A SAVANNAH RE-LOAD

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Decided: February 19, 2010

On February 1, 2010, Brampton Enterprises, LLC d/b/a Savannah Re-Load (complainant) tendered for filing a complaint against Norfolk Southern Railway Company (NSR), along with a fee waiver request because of the undue hardship it claims the filing fee would impose upon it. Complainant seeks damages based on its claim that NSR has failed to establish reasonable rules and practices regarding demurrage in violation of 49 U.S.C. 10702(2).²

On February 18, 2010, NSR filed a motion for extension of time to answer the complaint until March 11, 2010. NSR states that it was initially unaware of the complaint and that the recent severe weather in the Mid-Atlantic region delayed its efforts to retain counsel, to investigate the allegations in the complaint, and to provide an appropriate response. NSR also states that counsel for the complainant has agreed to the extension request.

Good cause exists to grant the extension request. Accordingly, NSR's answer to the complaint will be due no later than March 11, 2010.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. NSR's request for an extension to file its answer to the complaint is granted.
2. NSR's answer is due March 11, 2010.

¹ The docket number originally was reserved as STB Finance Docket No. 35349, but, because the matter constitutes a complaint, it has been re-docketed as STB Docket No. 42118.

² Although the complaint was received at the Board on February 1, 2010, it has not yet been officially filed due to the pending request for waiver of the filing fee under 49 CFR 1002.2(e).

3. This decision is effective on the date served.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.