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SEC

SERVICE DATE - APRIL 4, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41804

SIEBE TRANSPORTATION COUNCIL, ROBERTSHAW CONTROLS COMPANY AND
FOXBORO COMPANY--PETITION FOR DECLARATORY ORDER--CERTAIN RATES
AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

Decided: March 31, 1997

This proceeding arises out of the efforts of St. Johnsbury Trucking Company, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of Siebe Transportation Council, Robertshaw Controls Company and Foxboro Company (petitioners). The matter is before the Board on referral from the United States District Court for the Southern District of New York, for the Board's determination of unreasonable practice, rate unreasonableness, and/or other regulatory defenses asserted by petitioner against respondent's undercharge claim. By decision served June 25, 1996, the Board established a procedural schedule in this proceeding.

By motion filed March 11, 1997, petitioner Foxboro Company (Foxboro) requests 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 February 3, 1997.

The request will be granted, and Foxboro will be dismissed from this proceeding.

It is ordered:

1. Petitioner Foxboro 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 Arthur J. Gonzalez
United States Bankruptcy Court for
the Southern District of New York
Alexander Hamilton Custom House
One Bowling Green, Room 515
New York, NY 10004

The Honorable Sonia Sotomayor
United States District Court for
the Southern District of New York
500 Pearl Street, Room 1340
New York, NY 10038

Re: Case No. 93 B 43136 (TLB)
Adv. No. 95/9470A

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary