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SEC

SERVICE DATE - FEBRUARY 6, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34098

RYMES HEATING OILS, INC. – PETITION FOR DECLARATORY ORDER

Decided: February 5, 2002

By decision served on December 31, 2001 (December 31 decision), the Board instituted a declaratory order proceeding to resolve the controversy and uncertainty as to whether Rymes Heating Oils, Inc. (Rymes), is a shipper that is to be served exclusively by Springfield Terminal Railway Company (ST) under the trackage rights terms and conditions imposed by the Board's predecessor, the Interstate Commerce Commission, in a decision served on February 6, 1990, and whether Rymes is entitled to receive service from the New England Central Railroad, Inc. The December 31 decision also established a procedural schedule. On January 22, 2002, ST filed its reply statement. Any rebuttal was due on February 1, 2002.

By motion filed on February 1, 2002, Rymes requests a 1-week extension of time to file its rebuttal statement. Rymes states that: ST's reply raises a number of issues and factual allegations that require consultation among individuals at different locations; that several of the issues and allegations were first made known to Rymes in the reply statement; and that a winter storm has hampered the consultation and other work required in the preparation of its rebuttal statement. Rymes also states that ST consents to a 1-week extension.

The request is reasonable and will be granted.

It is ordered:

1. The due date for Rymes to file its rebuttal statement is extended to February 8, 2002.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary