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SEC

SERVICE DATE – LATE RELEASE DECEMBER 12, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42105

DAIRYLAND POWER COOPERATIVE

v.

UNION PACIFIC RAILROAD COMPANY

Decided: December 12, 2008

In this proceeding, Dairyland Power Cooperative (Dairyland) has challenged fuel surcharges collected by Union Pacific Railroad Company (UP) between January 2006 and February 2008 as an unreasonable practice under 49 U.S.C. 10702(2). By decision served October 2, 2008, the Board granted the joint request of the parties to hold this proceeding in abeyance pending possible dismissal of the complaint.

On December 1, 2008, Dairyland filed a motion to dismiss the complaint with prejudice. Dairyland states that it has reached a voluntary settlement with UP of the matters at issue in this proceeding and withdraws its complaint. Dairyland's request will be granted.

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

It is ordered:

1. Dairyland's motion to dismiss its complaint with prejudice is granted, and this proceeding is discontinued.
2. This decision is effective on its date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary