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SEC

SERVICE DATE - FEBRUARY 9, 1998
SURFACE TRANSPORTATION BOARD

DECISION

STB No. 42020

IDENTITY SERVICES, INC.--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF WILLIG FREIGHT LINES, INC.

Decided: February 4, 1998

This proceeding arises out of the efforts of Willig Freight Lines, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of Identity Services, Inc. (petitioner). The matter is before the Board on referral from the United States Bankruptcy Court for the Northern District of California.

By decision served October 14, 1997, the Board established a procedural schedule in this proceeding. Petitioners' opening statement was due on December 15, 1997.

By letter filed February 3, 1998, petitioner submitted a copy of the referring court's January 23, 1998, stipulated order for dismissal dismissing the underlying court proceeding with prejudice. Petitioner therefore requests dismissal of this proceeding. The request will be granted.

It is ordered:

1. This proceeding is dismissed.
2. This decision is effective on the service date.
- 3 A copy of this decision will be mailed to:

The Honorable Dennis Montali
United States Bankruptcy Court for the
Northern District of California
P. O. Box 7341
San Francisco, CA 94120

Re: Chapter 11 Case No. ND 95-33940-DM,
Adv. Pro. No. 97-3269-DM

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary