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SERVICE DATE – LATE RELEASE APRIL 2, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42116

US MAGNESIUM, L.L.C.

v.

UNION PACIFIC RAILROAD COMPANY

Decided: April 2, 2010

This decision grants the request of US Magnesium, L.L.C. (USM) to dismiss its complaint with prejudice and to discontinue this proceeding.

By a complaint filed on October 9, 2009, USM challenged the reasonableness of rates charged by Union Pacific Railroad Company (UP) for the movement of chlorine by tank car from Rowley, Utah, to Salt Lake City, Utah; Sparks, Nev.; Elk Grove, Cal.; Stockton, Cal.; and Pittsburg, Cal. USM sought relief pursuant to the simplified procedures set forth in Simplified Standards for Rail Rate Cases, EP 646 (Sub-No. 1) (STB served Sept. 5, 2007), aff'd sub nom. CSX Transportation, Inc. v. STB, 568 F.3d 236 (D.C. Cir. 2009), and vacated in part on reh'g, CSX Transportation, Inc. v. STB, 584 F.3d 1076 (D.C. Cir. 2009). USM elected to utilize the simplified stand-alone cost method, under which the total available rate relief is limited to \$5 million over a 5-year period. UP filed an answer to the complaint on October 29, 2009.

On December 16, 2009, the Board served a decision adopting a procedural schedule and granting a motion for protective order. In a decision served March 19, 2010, the Board stayed the procedural schedule in order to allow USM and UP to negotiate a settlement.

On March 24, 2010, USM filed a motion to dismiss its complaint with prejudice and discontinue the proceeding. USM states that it has reached a voluntary settlement with UP. USM's motion 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. USM's motion is granted. The complaint is dismissed with prejudice, and this proceeding is discontinued.

2. This decision is effective on its service date.

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