

SERVICE DATE - NOVEMBER 6, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41859¹

THE L.D. KICHLER CO. D/B/A KICHLER LIGHTING
--PETITION FOR DECLARATORY ORDER--CERTAIN RATES
AND PRACTICES OF BE-MAC TRANSPORT COMPANY, INC.

STB No. 41860

DELTA FAUCET CORPORATION--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF BE MAC TRANSPORT COMPANY, INC.

STB No. 41892

RICH PRODUCTS CORPORATION--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF BE-MAC TRANSPORT COMPANY, INC.

STB No. 41893

TWECO PRODUCTS--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF BE MAC TRANSPORT COMPANY, INC.

STB No. 41895

MONDIAL DISTRIBUTING, INC.--PETITION FOR DECLARATORY ORDER—
CERTAIN RATES AND PRACTICES OF BE MAC TRANSPORT COMPANY, INC.

STB No. 41988

ENCO MANUFACTURING COMPANY--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF BE MAC TRANSPORT COMPANY, INC.

Decided: November 3, 1997

These six proceedings arise out of the efforts of Be Mac Transport Company, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of numerous shippers (petitioners). These matters are before the Board on referral from the United States Bankruptcy Court for the Eastern District of Missouri, Eastern Division, for the purpose of resolving issues of unreasonable practice, rate reasonableness, and/or other regulatory defenses asserted by petitioners against respondent's undercharge claims.

Procedural schedules were established by the Board in each of the subject proceedings pursuant to which timely filed opening statements were submitted by the respective petitioners. Respondent's reply statements under the established procedural schedules were due on various dates extending from September 10, 1997, to September 24, 1997.

By letters filed October 28, 1997, counsel for respondent requests extensions of time to file reply statements in each of the subject proceedings. Respondent states that counsel for petitioners does not oppose the extension requests.

In these proceedings, the due dates for filing reply statements has long passed. Each of the requests for time extensions is late-filed and respondent has failed to provide any reason or justification

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

for its failure to timely file its respective replies or for its late filing of its requests for time extensions.

In these circumstances, it is not reasonable to extend the due dates for replies that were long overdue by the time the requests for extensions were made. Accordingly, the requested extensions will be denied.

It is ordered:

1. The extension requests are denied.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

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