

25451
SEC

SERVICE DATE - APRIL 16, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41754

NISSAN CORPORATION--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF AMERICAN FREIGHT SYSTEM, INC.

Decided: April 11, 1997

This proceeding arises out of the efforts of American Freight System, Inc. (respondent) to collect undercharges on certain shipments from shipper, Nissan Corporation (petitioner). The matter is before the Board on referral from the United States Bankruptcy Court for the Eastern District of Pennsylvania, in *American Freight System, Inc. v. Nissan Corporation*, Case No. 88-41050-11, Adv. No. 90-7174.

By decision May 31, 1996, the Board established a procedural schedule in this proceeding. Petitioner filed its opening statement on August 21, 1996. Respondent's reply statement was due September 20, 1996. However, Board records indicate that respondent has not filed its reply statement.

Therefore, respondent will be directed, within 20 days of service of this decision, either to file its reply statement or to show cause why this proceeding should not be disposed of on its existing record. If respondent timely files its reply statement, petitioner will have 20 days from the date of respondent's filing to file its rebuttal statement.

It is ordered:

1. Respondent shall, within 20 days of service of this decision, file its reply statement or show cause why this proceeding should not be disposed of on its existing record.
2. If respondent timely files its reply statement, petitioner's rebuttal statement will be due 20 days from the date respondent files its reply.
3. This decision is effective on the service date.
4. A copy of this decision will be mailed to:

The Honorable James A. Pusateri
United States Bankruptcy Court for the District of Kansas
Frank Carlson Federal Building and U.S. Courthouse
444 S.E. Quincy Street, Room 215
Topeka, KS 66683

Re: Case No. 88-41050-11, Adv. No. 90-7174

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary