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SEC

SERVICE DATE - SEPTEMBER 21, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42022

FMC WYOMING CORPORATION AND FMC CORPORATION  
v.  
UNION PACIFIC RAILROAD COMPANY

STB Ex Parte No. 346 (Sub-No. 29A)

RAIL GENERAL EXEMPTION AUTHORITY--SELECTED COMMODITIES  
PETITION FOR PARTIAL REVOCATION OF EXEMPTION FOR COKE

Decided: September 18, 1998

In a joint report of the parties on discovery and scheduling issues filed in these proceedings on September 10, 1998, complainants FMC Wyoming Corporation and FMC Corporation (FMC) and defendant Union Pacific Railroad Company (UP) express the need for the continued services of the Administrative Law Judge (ALJ) assigned to this case, in the event disputes arise in the final stages of completing discovery. They also propose two schedules, one for completion of discovery and the other for the filing of evidence.

The ALJ will remain available to resolve any remaining discovery disputes based upon the parties expressed need. Also, based on the parties proposals, the following schedule will govern, unless otherwise modified:

October 8, 1998	Deadline for production of documents and interrogatories.
October 20, 1998	Deadline for motions to compel production of documents and responses to interrogatories.
October 30, 1998	Status report to ALJ; hearings on any outstanding motions to compel.
November 9, 1998	Deadline for all document production.
November 16, 1998	End of discovery.
January 15, 1999	Opening evidence due.
March 31, 1999	Reply evidence due.

April 30, 1999            Rebuttal evidence due.

It is ordered:

1. Judge Joseph Nancy continues to be designated as the ALJ in this proceeding to resolve any remaining discovery disputes.
2. The schedule, as outlined above, will govern, unless subsequently modified by order of the ALJ or the Board.
3. This decision is effective on the date of service.
4. A copy of this decision will be sent to Judge Joseph Nancy, FERC, Office of Administrative Law Judges, 888 1st Street, N.E., Suite 11F, Washington, DC 20426.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams,  
Secretary