

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41701¹

ALBERTO-CULVER COMPANY--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41705

AGWAY, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41706

AMPHENOL CORPORATION--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41726

AVNET, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41731

THE BON-TON STORES, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41737

BLODGETT OVEN CO., INC. N/K/A G.S. BLODGETT CORP.--
PETITION FOR DECLARATORY ORDER--CERTAIN RATES AND
PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41774

DAVOL, INC.---PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41791

DRESSER-RAND POWER, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41794

GENERAL MILLS, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41796

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

DUNLOP TIRE CORPORATION--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41800

INGERSOLL-RAND COMPANY--PETITION FOR
DECLARATORY ORDER--CERTAIN RATES AND PRACTICES
OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41801

HIMARK ENTERPRISES, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41809

GREENMAN BROS., INC., MARTIN ZIPPEL CO., DIVISION
--PETITION FOR DECLARATORY ORDER--CERTAIN RATES
AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41818

LEVITON MANUFACTURING CO., INC.--PETITION FOR
DECLARATORY ORDER--CERTAIN RATES AND PRACTICES
OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41823

MAC TOOLS, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41830

MITA COPYSTAR AMERICA, INC.--PETITION FOR
DECLARATORY--ORDER--CERTAIN RATES AND PRACTICES
OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41831

MOBIL CHEMICAL COMPANY, INC.
--PETITION FOR DECLARATORY ORDER--CERTAIN RATES
AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41834

MORRISON-KNUDSEN COMPANY, INC.--PETITION FOR
DECLARATORY ORDER--CERTAIN RATES AND PRACTICES
OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41835

MONSANTO COMPANY--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41837

MOTION CONTROL INDUSTRIES, INC.--PETITION FOR
DECLARATORY ORDER--CERTAIN RATES AND PRACTICES

OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41838

KRAFT FOODS, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41840

THE NIPPERT COMPANY D/B/A COOPER METAL PRODUCTS--PETITION FOR
DECLARATORY ORDER--CERTAIN RATES AND PRACTICES
OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41841

MITSUBISHI ELECTRONICS AMERICA, INC.--PETITION FOR
DECLARATORY ORDER--CERTAIN RATES AND PRACTICES
OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41842

NALCO CHEMICAL COMPANY--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41846

PACCAR, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41865

R.D. WERNER CO., INC. N/K/A WERNER CO.
--PETITION FOR DECLARATORY ORDER--CERTAIN RATES AND
PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41874

RALSTON PURINA COMPANY D/B/A BEECH-NUT NUTRITION
--PETITION FOR DECLARATORY ORDER--CERTAIN RATES AND
PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41879

SALLY BEAUTY COMPANY, INC.--PETITION DECLARATORY
ORDER--CERTAIN RATES AND PRACTICES OF
ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41898

THE STANLEY WORKS--PETITION FOR DECLARATORY ORDER--CERTAIN
RATES AND PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

STB No. 41902

WEGMANS FOOD MARKETS, INC., CHASE-PITKIN DIVISION
--PETITION FOR DECLARATORY ORDER--CERTAIN RATES AND
PRACTICES OF ST. JOHNSBURY TRUCKING COMPANY, INC.

Decided: October 31, 1997

These 30 proceedings arise out of the efforts of St. Johnsbury Trucking 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 District Court for the Southern District of New York 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 July 3, 1997, to October 15, 1997.

By letters filed October 27 and 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 most of these proceedings, the due dates for filing reply statements has long passed. In 3 of the proceedings, the due date for filing replies was July 3, 1997. In all but 6 of the proceedings, the due date for filing replies was on or before September 5, 1997. Each of the requests for time extensions is late-filed and respondent has failed to provide any reason or justification 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 granted only for those proceedings in which reply statements had been due in October 1997, as ordered below.

It is ordered:

1. The reply statement in No. 41774 that had been due on October 15, 1997, will now be due on January 15, 1998, and petitioner's rebuttal statement will be due on February 4, 1998. The reply statement in No. 41737 that had been due on October 14, 1997, will now be due on January 14, 1998, and petitioner's rebuttal statement will be due on February 3, 1998. The reply statements in Nos. 41818, 41823, 41842, and 41865 that had been due on October 6, 1997, will now be due on January 6, 1998, and petitioner's rebuttal will be due on January 26, 1998.

2. All other extension requests are denied.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary