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SEC

SERVICE DATE - LATE RELEASE NOVEMBER 8, 1996

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41912<sup>1</sup>

ITT SNYDER COMPANY  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41913

THOMAS INDUSTRIES, INC.  
v.  
SUPERIOR FAST FREIGHT, INC-

STB No. 41914

CENTRAL STATES DIVERSIFIED, INC,  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41915

BP CHEMICALS, INC.  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41916

PERMA PRODUCTS COMPANY  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41917

IMPERIAL CUP CORPORATION  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41918

RICOH CORPORATION  
v.  
SUPERIOR FAST FREIGHT, INC.

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

STB No. 41919

STB No. 41912 et al.

REMA TIP TOP  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41920

ITT BARTON  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41921

MALLINCKRODT, INC.  
v.  
SUPERIOR FAST FREIGHT, INC.

STB 41922

RITTENHOUSE PAPER COMPANY  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41923

FUJISAWA USA, INC.  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41924

CLEO, INC.  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41925

CAPRILIGHTING, INC.  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41926

SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC.  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41927

W.R. GRACE & CO. - *CONN.*  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41928

NCR SYSTEMEDIA  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41929

DAMON INDUSTRIES  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41930

HIGHLAND PLASTICS, INC.  
v.  
SUPERIOR FAST FREIGHT, INC.

STB No. 41931

RICOH ELECTRONICS, INC.  
v.  
SUPERIOR FAST FREIGHT, INC.

Decided: November 4, 1996

NOTICE OF FILING OF COMPLAINTS AND HOLDING MATTERS IN ABEYANCE:

Formal complaints have been received and docketed as above.

These complaints arise out of the efforts of Superior Fast Freight, Inc. (SFF or defendant), to collect undercharges for certain transportation services. They raise the same issues, and are related to STB Docket No. 41911, Infinity Systems, Inc.-Petition for Declaratory Order--Certain Rates and Practices of Superior Fast Freight, Inc. (Infinity). Specifically, in these complaints and in Infinity, the Board has been requested to determine (1) whether SFF operated as a freight forwarder or as a motor carrier, and (2) whether SFF's failure to adopt the tariffs of its predecessor results in the absence of a filed tariff on which to base its alleged undercharge claims (threshold issues). The Board has also been requested to consider unreasonable practice, rate unreasonableness, and other regulatory defenses raised by shipper parties to these proceedings.

By decision in Infinity served October 30, 1996, the Board recognized that the threshold issues may be dispositive of all of the related proceedings and established a two-phased, bifurcated procedural schedule under which the two threshold issues (SFF's status as a freight forwarder or a motor carrier and the impact of SFF's failure to adopt the tariffs of its predecessor on its ability to pursue its asserted undercharge claims) would be considered first. The Board noted in the decision that if, after disposition of either or both of the threshold issues, it became necessary to consider the unreasonable practice, rate reasonableness, or other issues, a second procedural phase allowing for further development of the record would be established and a new procedural schedule would be issued.

Because resolution of the threshold issues to be considered in Infinity may be dispositive of these complaint filings, Board action with respect to these complaints will be held in abeyance pending disposition of the threshold issues in Infinity. Upon disposition of the threshold issues in ' Infinity, complainants may request further Board action on their respective complaint filings.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

