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SERVICE DATE - LATE RELEASE OCTOBER 29, 1999

SURFACE TRANSPORTATION BOARD

DECISION

No. 40819

UARCO INCORPORATED

v.

JAMES B. ORR and FREIGHTWAYS EXPRESS, INC.

Decided: October 28, 1999

In our decision served June 25, 1999, we made, *inter alia*, certain tariff interpretation and applicability findings in this case. The defendant has sought judicial review of those findings in the United States Court of Appeals for the Sixth Circuit, in No. 99-4036, James B. Orr and Freightways Express, Inc. v. Surface Transportation Board.

In the course of preparing the defense of the Board's decision, we have discovered that our decision failed to address certain material issues that have been brought to our attention in the petitioners' brief. Accordingly, subject to the approval of the reviewing court, we will reopen this proceeding, on the record already before the Board, in order to correct those omissions and clarify our earlier decision. We intend to expedite the matter and expect to issue our further decision within three months.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened, subject to the approval of the United States Court of Appeals for the Sixth Circuit.

2. This decision is effective on its service date.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams
Secretary