

Surface Transportation Board Dismisses "No. Indiana Public Service's" Coal-Rate Complaint Against Conrail Following Settlement

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has granted the request of a shipper, Northern Indiana Public Service Company (NIPSC), to dismiss its rate complaint against the Consolidated Rail Corporation (Conrail).

In its complaint filed on March 11, 1998, NIPSC asked the Board to order Conrail to establish a "reasonable rail rate" for the movement of coal in unit trains (all cars dedicated to the transportation of a single commodity) from what was then Conrail's interchange with the Union Pacific Railroad Company at Momence, Illinois, to NIPSC's generating plant near Wheatfield, Indiana. The complaint was filed during the pendency of the merger proceeding that resulted in the division of the assets of Conrail between the two rail systems that included Norfolk Southern Railway Company (NS) and CSX Transportation, Inc. As a result of the Board's approval of that merger, NS assumed rail service over the Conrail segment involved in this complaint. NIPSC requested that its complaint be dismissed because the parties have reached a settlement and entered into a contract resolving the dispute that led to the filing of the complaint.

This complaint proceeding had been held in abeyance since March 1999, when the parties reported that they were close to reaching an agreement that would resolve their differences. The resolution of this matter is consistent with the Board's policy of encouraging private-sector dispute resolution whenever possible. The Board remains committed to considering matters brought before it in a manner conducive to cooperative and creative private-sector dispute resolution, to the benefit of all involved parties.

The Board issued its decision dismissing the complaint today in the case entitled *Northern Indiana Public Service Company v. Consolidated Rail Corporation*, STB Docket No. 42027. **A printed copy of the decision is available for a fee by contacting Da-2-Da Legal, Room 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776, or via [http://Da_To_Da@Hotmail.com](mailto:Da_To_Da@Hotmail.com).** The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

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