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SERVICE DATE – MAY 14, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42170

KINGSBURY ELEVATOR, INC.

v.

GRAND TRUNK WESTERN RAILROAD COMPANY

Decided: May 14, 2021

On August 6, 2020, Kingsbury Elevator, Inc. (KE), filed a complaint against Grand Trunk Western Railroad Company (GTW) alleging a number of violations of 49 U.S.C. subtitle IV part A related to GTW's transportation of canola meal, corn gluten meal, gluten feed pellets, and fertilizer. By decision served on January 4, 2021, the proceeding was held in abeyance at the request of the parties, so that the parties could engage in Board-sponsored mediation.

On April 30, 2021, KE filed a motion to dismiss its complaint with prejudice, stating that it has reached a settlement with GTW. No opposition to the motion has been filed. Accordingly, the motion to dismiss will be granted and the proceeding discontinued.

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

It is ordered:

1. KE's motion is granted. The complaint is dismissed with prejudice, and this proceeding is discontinued.

2. This decision is effective on the date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.