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SEC

SERVICE DATE - SEPTEMBER 17, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41739

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

Decided: September 12, 1997

This proceeding arises out of the efforts of St. Johnsbury Trucking Company, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of Calverts, Inc. (petitioner). The matter is before the Board on referral from the United States District Court for the Southern District of New York, for the Board's determination of unreasonable practice, rate unreasonableness, and/or other regulatory defenses asserted by petitioner against respondent's undercharge claim, as well as the interstate or intrastate nature of the shipments at issue.

By decision served May 29, 1996, the Board established a procedural schedule in this proceeding. Due dates were extended by subsequent decisions. Petitioner's opening statement was due on September 10, 1997.

By letter filed September 11, 1997, petitioner's counsel advised the Board that petitioner has ceased operations and requests that this proceeding be discontinued. The request will be granted and the proceeding will be dismissed..

It is ordered:

1. This proceeding is dismissed.
2. This decision is effective on the service date.
3. A copy of this decision will be mailed to:

The Honorable Sonia Sotomayor
United States District Court for the Southern District of New York
500 Pearl Street, Room 1340
New York, NY 10038

Re: Civil Case No. 95 CIV 4923(SS),
Adv. No. 95/9243A

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary