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SEC

SERVICE DATE – MAY 7, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42102

RAILROAD SALVAGE & RESTORATION, INC.—PETITION FOR
DECLARATORY ORDER—REASONABLENESS OF DEMURRAGE CHARGES

STB Docket No. 42103

G.F. WIEDEMAN INTERNATIONAL, INC.—PETITION FOR
DECLARATORY ORDER—REASONABLENESS OF DEMURRAGE CHARGES

Decided: May 6, 2008

On October 5, 2007, Railroad Salvage & Restoration, Inc. (Railroad Salvage), filed a petition seeking a declaratory order to resolve a dispute over demurrage charges assessed by Missouri & Northern Arkansas Railroad Company, Inc. (MNA). On October 29, 2007, G.F. Wiedeman International, Inc. (Wiedeman), filed a petition seeking a declaratory order to resolve a similar dispute over demurrage charges assessed by MNA. Wiedeman also requested that the proceedings be consolidated.

In a decision served on December 20, 2007, the Board instituted and consolidated the requested declaratory order proceedings and adopted a procedural schedule. That procedural schedule was postponed at the request of the parties in a decision served on February 29, 2008, to give them additional time to negotiate a settlement. In a decision served on April 10, 2008, the Board, at MNA's request, reinstated the procedural schedule. At the parties' request, the Board modified the procedural schedule in a decision served on April 11, 2008, to extend the date for completing discovery to April 30, 2008, and the date for Railroad Salvage and Wiedeman (petitioners) to file their opening statements to June 3, 2008. The due dates for MNA's reply statement and petitioners' rebuttal statements remained August 18 and September 2, 2008, respectively, as provided in the April 10, 2008 decision.

On May 2, 2008, petitioners filed a letter with the Board requesting a 16-day extension of each of the filing dates in the current procedural schedule. Petitioners state that their request is necessitated by the additional time it may take MNA to respond fully to their document production requests and for petitioners to review the 1,524 pages of documents that have been produced to date. Petitioners further state that MNA has agreed to the requested extension. The request will be granted.

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

It is ordered:

1. Petitioners' request to revise the modified procedure schedule adopted in the decision served on April 11, 2008, is granted.
2. Petitioners' opening statements will be due by June 19, 2008.
3. MNA's reply statements are due by September 3, 2008.
4. Petitioners' rebuttal statements are due by September 18, 2008.
5. This decision is effective on its service date.
6. Copies of this decision will be mailed to:

The Honorable Dean Whipple
United States District Court for the Western District of Missouri Southwestern
Division
222 N. John Q. Hammons Parkway
Springfield, MO 65808

RE: No. 07-5017-CV-SE-DW

and

The Honorable David C. Dally
Circuit Court of Jasper County
Jasper County Courthouse
Carthage, MO 64836

RE: No. 07AO-CC00112

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary