

40930
DO

SERVICE DATE – LATE RELEASE JULY 22, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42123

M&G POLYMERS USA, LLC

v.

CSX TRANSPORTATION, INC., AND
CANADIAN NATIONAL RAILWAY COMPANY

Decided: July 22, 2010

This decision grants the request of M&G Polymers USA, LLC (M&G) to dismiss its complaint against Canadian National Railway Company (CN) with prejudice. This proceeding will continue with regard to the remaining defendant, CSX Transportation, Inc. (CSXT).

By a complaint filed on June 18, 2010, M&G challenged the reasonableness of rates established by CSXT, for the transportation of polyethylene terephthalate between 69 origin and destination pairs. M&G also challenged the reasonableness of the connecting carrier rates of CN to destinations on 7 of those lanes. M&G alleged that CSXT and CN, where CN is a connecting carrier, possess market dominance over the traffic and asked the Board to prescribe maximum reasonable rates using the Stand-Alone Cost test.

On July 6, 2010, M&G filed a motion to dismiss its complaint with prejudice against CN, stating that M&G and CN have reached a settlement. M&G's motion to dismiss 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. M&G's motion is granted. The complaint against CN is dismissed with prejudice.
2. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.