

27846
SEC

SERVICE DATE - MAY 22, 1997
SURFACE TRANSPORTATION BOARD
DECISION

STB No. 41754

NISSAN CORPORATION--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF AMERICAN FREIGHT SYSTEM, INC.

Decided: May 19, 1997

This proceeding arises out of the efforts of American Freight System, Inc. (respondent) to collect undercharges on certain shipments from shipper, Nissan Corporation (petitioner). The matter is before the Board on referral from the United States Bankruptcy Court for the Eastern District of Pennsylvania, in *American Freight System, Inc. v. Nissan Corporation*, Case No. 88-41050-11, Adv. No. 90-7174.

By decision May 31, 1996, the Board established a procedural schedule in this proceeding. Petitioner filed its opening statement on August 21, 1996. Subsequently, by decision served April 16, 1997, respondent was directed to show cause why this proceeding should not be disposed of on its existing record.

By letter filed May 16, 1997, petitioner advised the Board that this proceeding has been settled and should be withdrawn. The request will be granted 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 James A. Pusateri
United States Bankruptcy Court for the District of Kansas
Frank Carlson Federal Building and U.S. Courthouse
444 S.E. Quincy Street, Room 215
Topeka, KS 66683

Re: Case No. 88-41050-11, Adv. No. 90-7174

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary