

28848
SEC

SERVICE DATE - JANUARY 23, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 42016

A. SCHULMAN, INC.; AGATE COVER ENTERPRISES D/B/A SOUND BUSINESS FORMS; ALCAN ALUMINUM CORPORATION; ANSUL FIRE PROTECTION; AVERY DENNISON CORPORATION ; B&S SUPPLY; BAYSIDE BUSINESS FORMS; BLOCK GRAPHICS, INC. F/K/A MEDALLION ENVELOPE CO.; BLOCK GRAPHICS, INC. F/K/A SYSTEMS DISTRIBUTION, INC.; BLOUNT SPORTING EQUIPMENT; CAL-TAB SYSTEMS, INC.; CENTRAL VALLEY OAK DIST.; CHEMITHON SURFACE FINISHING, INC.; COSTCO WHOLESALE CORPORATION; DATAFORM PRINT COMMUNICATIONS; DUCKBACK PRODUCTS INC.; DURODYNE,. INC.; EVEREADY BATTERY COMPANY, INC.; FEDERAL PAPER BOARD COMPANY, INC.; FMC CORPORATION; GRAN'PA DON'S, INC.; HEHR INTERNATIONAL, INC.; HOLLANDER GLASS, INC.; LYNX GOLF, INC.; MICHELMAN, INCORPORATED; NATIONAL STARCH & CHEMICAL; NATIONWIDE PAPERS; REPUBLIC BAG, INC.; STAR BLENDS, INC.; STOODY COMPANY; SYNSOR CORPORATION; TRAVIS INDUSTRIES, INC.; THE VALSPAR CORPORATION; WALTER E. NELSON; AND WESTERN NEVADA SUPPLY COMPANY--PETITION FOR DECLARATORY ORDER--CERTAIN RATES AND PRACTICES OF WILLIG FREIGHT LINES, INC.

Decided: January 16, 1998

This proceeding arises out of the efforts of Willig Freight Lines, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of A. Schulman, Inc.; Agate Cover Enterprises d/b/a Sound Business Forms; Alcan Aluminum Corporation; Ansul Fire Protection; Avery Dennison Corporation; B&S Supply; Bayside Business Forms; Block Graphics, Inc. f/k/a Medallion Envelope Co.; Block Graphics, Inc. f/k/a Systems Distribution, Inc.; Blount Sporting Equipment; Cal-Tab Systems, Inc.; Central Valley Oak Dist.; Chemithon Surface Finishing, Inc.; Costco Wholesale Corporation; Dataform Print Communications; Duckback Products Inc.; Durodyne,. Inc.; Eveready Battery Company, Inc.; Federal Paper Board Company, Inc.; FMC Corporation; Gran'Pa Don's, Inc.; Hehr International, Inc.; Hollander Glass, Inc.; Lynx Golf, Inc.; Michelman, Incorporated; National Starch & Chemical; Nationwide Papers; Republic Bag, Inc.; Star Blends, Inc.; Stooddy Company; Synsor Corporation; Travis Industries, Inc.; The Valspar Corporation; Walter E. Nelson; and Western Nevada Supply Company (petitioners). The matter is before the Board on referral from the United States Bankruptcy Court for the Northern District of California, for the Board's determination of unreasonable practice, rate unreasonableness, and/or other regulatory defenses asserted by petitioners against respondent's undercharge claim.

By decision served September 29, 1997, the Board established a procedural schedule in this proceeding. Due dates were extended by a subsequent decision. Petitioners' opening statements were due on January 12, 1998.

By letter filed January 13, 1998, petitioners Agate Cover Enterprises d/b/a Sound Business Forms (Agate); B&S Supply (B&S); Bayside Business Forms (Bayside); Block Graphics, Inc. f/k/a Medallion Envelope Co. (Medallion); Block Graphics, Inc. f/k/a Systems Distribution, Inc. (Systems); Cal-Tab Systems, Inc.(Cal-Tab); Central Valley Oak Dist. (Central); Dataform Print Communications (Dataform); Durodyne,. Inc. (Durodyne); Gran'pa Don's, Inc. (Gran'pa); Hollander Glass, Inc. (Hollander); Michelman, Incorporated (Michelman); Republic Bag, Inc. (Republic); Synsor Corporation (Synsor); and Walter E. Nelson (Nelson) request that the time for filing their opening statements be extended to March 13, 1998. These petitioners indicate that they require additional time to establish their qualifications as small-business concerns exempt from liability for undercharge claims asserted by respondent. Petitioners assert that respondent joins in their requests.

By letter filed January 14, 1998, petitioners A. Schulman, Inc. (Schulman); Alcan Aluminum Corporation (Alcan); Blount Sporting Equipment (Blount); Ansul Fire Protection (Ansul); Avery Dennison Corporation (Avery); Chemithon Surface Finishing, Inc. (Chemithon); Costco Wholesale Corporation (Costco); Duckback Products Inc. (Duckback); Eveready Battery Company, Inc. (Eveready); Federal Paper Board Company, Inc. (Federal); FMC Corporation (FMC); Hehr International, Inc. (Hehr); Lynx Golf, Inc. (Lynx); National Starch & Chemical (National); Nationwide Papers (Nationwide); Star Blends, Inc. (Star); Stooddy Company (Stooddy); Travis Industries, Inc. (Travis); The Valspar Corporation (Valspar); and Western Nevada Supply Company (Western) request that the time for filing their opening statements be extended to January 20, 1998.

The Board will treat the requests of petitioners Agate, B&S, Bayside, Medallion, Systems, Cal-Tab, Central, Dataform, Durodyne, Gran'pa, Hollander, Michelman, Republic, Synsor, and Nelson, for additional time to establish their status as exempt small-business concerns, as requests to hold this proceeding in abeyance with respect to their interests until further action is requested individually or collectively by these petitioners.

The extension requests of petitioners Schulman, Alcan, Blount, Ansul, Avery, Chemithon, Costco, Duckback, Eveready, Federal, FMC, Hehr, Lynx, National, Nationwide, Star, Stooddy, Travis, Valspar, and Western's will be granted and the procedural schedule adjusted accordingly.

It is ordered:

1. This proceeding with respect to petitioners' Agate, B&S, Bayside, Medallion, Systems, Cal-Tab, Central, Dataform, Durodyne, Gran'pa, Hollander, Michelman, Republic Synsor, and Nelson is held in abeyance pending further individual or collective requests from petitioners.
2. The extension requests of petitioners' Schulman, Alcan, Blount, Ansul, Avery,

Chemithon, Costco, Duckback, Eveready, Federal, FMC, Hehr, Lynx, National, Nationwide, Star, Stoodly, Travis, Valspar, and Western's are granted and the procedural schedule is adjusted as follows:

Petitioners' opening statements are due on January 20, 1998.

Respondent's reply is due on February 19, 1998.

Petitioners' rebuttal statements are due on March 11, 1998.

3. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

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Vernon A. Williams
Secretary