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SEC

SERVICE DATE - SEPTEMBER 22, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41829

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

Decided: September 17, 1997

This proceeding arises out of the efforts of St. Johnsbury Trucking Company, Inc. (respondent) to collect undercharges on certain shipments from Melard Manufacturing Corp. (petitioner). The matter is before the Board on referral from the United States District Court for the Southern District of New York.

By decision served July 27, 1996, a procedural schedule was established in this proceeding. Petitioner's opening statement was due on August 6, 1997. Board records, however, indicate that petitioner has not filed its opening statement. Accordingly, petitioner is directed to file its opening statement by October 14, 1997, or show cause why this proceeding should not be dismissed.

It is ordered:

1. Petitioner is directed to file its opening statement on or before October 14, 1997, or show cause why this proceeding should not be dismissed.
2. If petitioner files its opening statement, respondent's reply statement will be due on November 14, 1997, and petitioners' rebuttal statement will be due on December 4, 1997.
3. This decision is effective on the service date.
4. 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 2071 (SS), Adv. No. 95/8212A

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary