

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34527

MAUMEE & WESTERN RAILROAD COMPANY AND RMW VENTURES LLC–  
PETITION FOR DECLARATORY ORDER–  
CSX TRANSPORTATION, INC. CROSSING RIGHTS AT DEFIANCE, OH

Decided: September 19, 2005

On July 16, 2004, Maumee & Western Railroad Company (M&W) and RMW Ventures LLC (RMW) (collectively, petitioners) filed and served on CSX Transportation, Inc. (CSXT), a petition for a declaratory order. Petitioners requested that a proceeding be instituted to determine whether specific actions of CSXT unreasonably interfered with the common carrier rail service operations of M&W in violation of 49 U.S.C. 10901(d) and M&W's statutory rights and obligations to provide common carrier rail service under its certificate of public convenience and necessity issued by the Board pursuant to 49 U.S.C. 10901(a).

By decision served on July 13, 2005, the Board instituted a declaratory order proceeding and established a procedural schedule. By decision served on July 22, 2005, the procedural schedule was modified, with a date of September 20, 2005, as the reply due date, and September 30, 2005, as the rebuttal due date.

By letter filed on September 13, 2005, as supplemented on September 16, 2005, petitioners and CSXT jointly request that the Board again modify the procedural schedule in order that they may have sufficient time to review and evaluate the voluminous discovery that each voluntarily produced. They propose a new schedule, which would establish October 3, 2005, as the reply due date, and October 18, 2005, as the rebuttal due date.

Good cause exists to extend the procedural schedule to accommodate the reply and rebuttal process in this case. Accordingly, the modification to the procedural schedule proposed by the petitioners and CSXT will be adopted.

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

It is ordered:

1. Petitioners' and CSXT's joint request to modify the procedural schedule is granted.
2. CSXT's reply is due by October 3, 2005.

3. Petitioners' rebuttal statement is due by October 18, 2005.

4. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary