

SURFACE TRANSPORTATION BOARD DISMISSES LARGE RATE CASE BASED ON PARTIES' VOLUNTARY SETTLEMENT AFTER BOARD MEDIATION

The Surface Transportation Board announced today that the Board has granted the request of a shipper, E.I. Du Pont de Nemours & Company (DuPont), to dismiss its November 2008 rate complaint against CSX Transportation, Inc. (CSXT). Today's action marks the first settlement aided by Board mediation in a case filed under the agency's stand-alone cost (SAC) rate-complaint procedures.

In a complaint filed on November 10, 2008, in *E.I. du Pont de Nemours & Company v. CSX Transportation, Inc.*, Docket No. 42112, DuPont challenged the reasonableness of rates established by CSXT for the transportation of 38 commodities between 99 origin and destination pairs. DuPont had asked the Board to determine the reasonableness of CSXT's rates using the SAC test adopted in *Coal Rate Guidelines—Nationwide*, Ex Parte No. 347 (Sub-No. 1), 1 I.C.C.2d 520 (1985). The SAC test is used in the most complex rate cases where significant sums of money are at stake.

In announcing the settlement and the Board's decision, Acting Chairman Mulvey expressed his pleasure at the success of the Board's mediation efforts:

"This is the first large rate case mediated to settlement under the Board's auspices, and this mediation demonstrates that active Board staff involvement at the early stages of the case process can help narrow or, as here, completely resolve, disputed issues. I commend DuPont and CSXT, and the Board's staff mediators for their efforts. The agency will continue to promote mediation as an alternative to formal and more expensive dispute resolution processes."

The Board's [decision in Docket No. 42112 was issued today, May 11, 2009](#). That decision is available for viewing and downloading via the Board's Web site, at <http://www.stb.dot.gov>, under "E-LIBRARY," then under "Decisions & Notices," beneath the date "05/11/09."

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