

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34424¹

CANADIAN NATIONAL RAILWAY COMPANY
AND GRAND TRUNK CORPORATION
— CONTROL —
DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY,
BESSEMER AND LAKE ERIE RAILROAD COMPANY,
AND THE PITTSBURGH & CONNEAUT DOCK COMPANY

Decision No. 4

Decided: February 12, 2004

By application filed November 5, 2003, Canadian National Railway Company (CNR, a rail carrier that controls several rail carrier subsidiaries) and Grand Trunk Corporation (GTC, a noncarrier holding company through which CNR controls its U.S. rail carrier subsidiaries) seek the approval of the Board to control three additional U.S. railroads: Duluth, Missabe and Iron Range Railway Company (DMIR), Bessemer and Lake Erie Railroad Company (B&LE), and The Pittsburgh & Conneaut Dock Company (P&C Dock). Because CNR and GTC are referred to collectively as CN, and because DMIR, B&LE, and P&C Dock are now controlled by Great Lakes Transportation LLC (GLT), the application filed by CNR and GTC is referred to as the “CN/GLT Application.”

In a decision (Decision No. 2) which was served on December 1, 2003, and which was published in the Federal Register on December 5, 2003 (at 68 FR 68130), the Board accepted the CN/GLT Application and set a procedural schedule for the processing of that application. That schedule provides, among other things, that the Board’s final decision on the CN/GLT Application will be served on April 9, 2004 (if no unanticipated environmental review is required).

The Board said in Decision No. 2 that a public hearing/oral argument would be held the week of March 1, 2004. In this decision, the Board is scheduling an oral argument for that week. The oral argument will be held on Wednesday, March 3, 2004, beginning at 10:00 a.m., in Room 760, the

¹ This decision embraces: STB Finance Docket No. 34424 (Sub-No. 1), Duluth, Winnipeg and Pacific Railway Company — Trackage Rights — Duluth, Missabe and Iron Range Railway Company; and STB Finance Docket No. 34424 (Sub-No. 2), Duluth, Missabe and Iron Range Railway Company — Trackage Rights — Duluth, Winnipeg and Pacific Railway Company.

Board's Hearing Room, on the 7th Floor at the Board's headquarters in the Mercury Building, 1925 K Street, N.W. (on the northeast corner of the intersection of 20th St., N.W., and K Street, N.W.), Washington, D.C.

Any party wishing to speak at the oral argument should file with the Board, as soon as possible but no later than February 25, 2004, an original and 10 copies of a written notice of intent to speak, along with the name and title of its intended speaker, and a requested time allotment. Each such party should also file with the Board, as soon as possible but no later than February 27, 2004, an original and 10 copies of a summary (not to exceed 3 pages) of the specific points the speaker will address. The required filings should refer to STB Finance Docket No. 34424 and should be addressed to:

Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Finance Docket No. 34424

The Board will issue, prior to March 3rd, a decision setting a schedule for the oral argument. The schedule will provide, among other things, that applicants (CNR and GTC) will open, and that they may reserve part of their time for rebuttal if they so choose.

Persons speaking at the oral argument are encouraged to use their time to call attention to the points they believe to be particularly important. The purpose of oral argument is not to restate the written comments previously submitted, but to summarize and emphasize the key points of a party's case, and to provide an opportunity for questions that the Board may have regarding the matters at issue in this proceeding.

If a party wishes to enhance its argument by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the Hearing Room's projection system on Tuesday, March 2, 2004, from 2:00 p.m. to 4:00 p.m. Please call (202) 565-1709 to make arrangements.

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

It is ordered:

1. Oral argument in this proceeding will be held on Wednesday, March 3, 2004, beginning at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C.

2. Any party wishing to speak at the oral argument should file with the Board, as soon as possible but no later than February 25, 2004, an original and 10 copies of a written notice of intent to speak, along with the name and title of its intended speaker, and a requested time allotment.

3. Each such party should also file with the Board, as soon as possible but no later than February 27, 2004, an original and 10 copies of a summary (not to exceed 3 pages) of the specific points the speaker will address.

4. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary