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The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S W
Washington, D C 20423-0001

Re. STB Finance Docket No 35087, Canadian National Railway Company and Grand Trunk Corporation -- Control -- EJ&E West Company

My name is Tim Kennedy. I am the Director of Transportation and Logistics for Viterra and have served in management positions in rail transportation for 16 years

The recent merger of Saskatchewan Wheat Pool and Agricore United combines the strengths of Canada's two largest grain handlers. Viterra is now Canada's leading agri-business, with extensive operations and distribution capabilities across Western Canada, and with operations in the United States and Japan. The new company is diversified into sales of crop inputs and services, grain handling terminals and marketing, livestock feed, agri-food processing and financial services. These operations are complemented by value-added businesses and strategic alliances, which allow Viterra to leverage its pivotal position between Prairie farmers and destination customers. With revenues estimated at over \$4 billion, the new company sources agricultural commodities through more than 100 grain handling and marketing facilities across the Prairies, has strong export capabilities in British Columbia and Ontario, and operates an agri-products retail network consisting of 276 sites prairie-wide. Business holdings include 100% ownership of Western Co-operative Fertilizers Ltd. a leading fertilizer distributor with investments in manufacturing, Can-Oat Milling, the largest industrial oat miller in the world, and Livestock Services, which has feed plants in Western Canada, Oklahoma, Texas and New Mexico.

The Canadian National Railway is approximately 50% of our \$500 million dollar per year freight expenditures serving 50% of our infrastructure serving both export and North American domestic customers

On October 19, 2007 on behalf of Viterra I sent a letter of support for CN to acquire and operate EJ&E West Company. See attached.

The purpose of this letter is to express our strong support for CN's August 14, 2008 petition for modification of the procedural schedule, which would permit the Surface Transportation Board (STB) to reach a final decision on the merits of CN's proposed transaction subject to maintenance of the environmental *status quo* pending completion of the STB's environmental review

Given the risk to the transaction that now exists as a result of the length of STB's environmental review process. Viterra supports CN's August 14 petition as offering a solution that is in the public interest allowing for a final decision on the merits of the transaction while maintaining the environmental *status quo* until completion of the STB's review of the transaction's potential environmental impacts. This would permit CN to close the transaction, if approved, while preserving the STB's rights to impose any lawful environmental mitigation that it might determine is appropriate while protecting all rights of both opponents and supporters of the proposed transaction

Viterra disagrees with the argument of some opponents of the proposed transaction that CN's petition should be rejected because it would prevent the STB from rejecting the transaction outright on environmental grounds. It is difficult to see how the STB could possibly reject a transaction with such obvious transportation benefits on environmental grounds, especially as the environmental benefits of the transaction offset, and in some cases exceed, the environmental detriments. In any event, the environmental *status quo* would be maintained under CN's proposal pending the STB's completion of its environmental review, and the STB would still retain any authority it may have to prevent or mitigate environmental impacts. As a result, CN's requested modification of the procedural schedule poses no threat either to the environment or to the STB's ultimate authority to protect it

As mentioned in Viterra's initial letter of support the Chicago gateway is key to providing timely rail service to many of our US customers that require just in time deliveries of product for production.

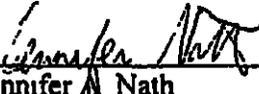


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cc: All Parties of Record

CERTIFICATE OF SERVICE

I certify that I have this 3rd day of September, 2008, served the foregoing letter of Tim Kennedy, Director of Transportation and Logistics, Viterra, upon all known parties of record in this proceeding by causing a copy to be sent to each by first-class mail or a more expeditious method



Jennifer Nath

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