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September 23, 2013

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Office of Proceedings

September 23, 2013

Part of

Public Record

## VIA E-FILING

Cynthia T. Brown  
Chief of the Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington DC 20423-0001

Re: STB Docket No. EP 711  
Petition For Rulemaking To Adopt Revised Competitive Switching Rules

Dear Ms. Brown:

In accordance with the Decision served on August 13, 2013 in the above-referenced proceeding, enclosed is the "Notice of Intent To Participate In The October 22 Hearing And Summary Of Intended Testimony" being filed on behalf of The Kansas City Southern Railway Company to be submitted as part of the record in this proceeding. If there are any questions concerning this filing, please contact me by telephone at (202) 663-7823 or by e-mail at [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com).

Sincerely,



William A. Mullins

Enclosures

cc: Warren K. Erdman  
W. James Wochner  
David C. Reeves

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. EP 711**

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**PETITION FOR RULEMAKING TO ADOPT REVISED  
COMPETITIVE SWITCHING RULES**

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**THE KANSAS CITY SOUTHERN RAILWAY COMPANY'S NOTICE OF INTENT TO  
PARTICIPATE AND SUMMARY OF INTENDED TESTIMONY**

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David C. Reeves  
THE KANSAS CITY SOUTHERN  
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**Attorneys For The Kansas City Southern  
Railway Company**

**Dated: September 23, 2013**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. EP 711**

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**PETITION FOR RULEMAKING TO ADOPT REVISED  
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**THE KANSAS CITY SOUTHERN RAILWAY COMPANY'S NOTICE OF INTENT TO  
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In accordance with the decision issued by the Surface Transportation Board ("STB" or "Board") on August 13, 2013, The Kansas City Southern Railway Company ("KCS") hereby notifies the Board of its intent to participate in the oral hearing scheduled for October 22, 2013 in the captioned proceeding. KCS will present its views through the testimony of Mr. David Konschnik, former Director of the Office of Proceedings.

KCS requests five (5) minutes for Mr. Konschnik's testimony. His testimony will address the following:

- I. Introduction And Brief Background
- II. The Record Reflects Concerns About Rates
- III. The Board's Efforts In Resolving Shipper Concerns About Rates And Allowing Those Efforts To Continue
- IV. The Unintended Consequences Of Adopting The NITL Proposal
- V. Overall Conclusions

Respectfully Submitted,



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Dated: September 23, 2013

Attorneys For The Kansas City Southern Railway  
Company