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SERVICE DATE - FEBRUARY 25, 1999

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33556

CANADIAN NATIONAL RAILWAY COMPANY, GRAND TRUNK CORPORATION, AND  
GRAND TRUNK WESTERN RAILROAD INCORPORATED--CONTROL--ILLINOIS  
CENTRAL CORPORATION, ILLINOIS CENTRAL RAILROAD COMPANY, CHICAGO,  
CENTRAL AND PACIFIC RAILROAD COMPANY, AND CEDAR RIVER RAILROAD  
COMPANY

Decision No. 32

Decided: February 23, 1999

Oral argument in this proceeding has been set for Thursday, March 18, 1999, at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760) at 1925 K Street, N.W., in Washington, D.C.<sup>1</sup> In Decision No. 30 served January 28, 1999, we required parties wishing to participate in the oral argument to notify the Secretary of the Board by February 9, 1999. We received 17 requests<sup>2</sup> from parties of record asking to participate in the oral argument. Some of the requests were joint requests asking that their time allocations be shared collectively.<sup>3</sup>

Oral Argument Procedures.

The schedule of appearances and the time provided for each party appear in the Appendix to this decision. To accommodate the parties' request to participate, we have expanded the oral argument schedule by 30 minutes. While in most cases, the times provided for argument have been reduced from the allotments requested, the time we are adding to the overall schedule will assure that there will be adequate time for parties to address pertinent issues. The time allocations for the oral argument total **150 minutes**, of which **55 minutes** are being allocated to the primary

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<sup>1</sup> The voting conference in this proceeding has been set for Thursday, March 25, 1999, at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760).

<sup>2</sup> By letter received on February 18, 1999, The City of Chicago, Illinois, advised the Board that it will not participate in the oral argument.

<sup>3</sup> With respect to time allocations, a few of the parties argued that the time allocated to Kansas City Southern Railway (KCS) or Gateway Western Railway Company (GWWR) should come out of the 1 hour time allocation set aside for applicants because both KCS and GWWR are aligned with Canadian National/Illinois Central (CN/IC) regarding the primary application and the issues raised concerning the Alliance. The Board did not receive a request from GWWR to participate in the oral argument. CN/IC oppose the requests that KCS' time allocation should be deducted from the time provided for the applicants.

applicants, and **95 minutes** are being allocated to other parties. Because the purpose of oral argument is not to restate the written arguments previously made, but rather, as noted in Decision No. 30, to summarize and emphasize the key points of each party's case and to provide an opportunity for questions from Members of the Board, we believe that the time allocations set forth in the Appendix are sufficient for these purposes.

Participants planning to use visual aids, such as maps, are advised to inform the Office of the Secretary at (202) 565-1650, no later than close of business Friday, March 12, 1999. Participants are limited to projector-adaptable visual displays or handouts. The Board will provide space for handouts participants wish to bring to the oral argument for dissemination to the public. The Board staff will be available in the Board's Hearing Room--Suite 760, from 2:00 p.m. to 4:00 p.m. on Tuesday, March 16, 1999, to demonstrate the Board's projection system. Please call (202) 565-1650 to make arrangements.

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

It is ordered:

1. Time for oral argument is allotted as reflected in the Appendix to the decision.
2. This decision is effective on the date of service.

By the Board, Chairman Morgan and Vice Chairman Clyburn.

Vernon A. Williams  
Secretary

**APPENDIX**

**SCHEDULE OF APPEARANCES**

	<b><u>TIME ALLOTTED</u></b>
<b><u>PRIMARY APPLICANTS</u></b>	
Canadian National Railway Company, Grand Trunk Corporation, Grand Trunk Western Railroad Incorporated, Illinois Central Corporation, Illinois Central Railroad Company, Chicago, Central and Pacific Railroad Company, and Cedar River Railroad Company	<b>55 minutes</b>
<b><u>SUPPORTING RAILROAD</u></b>	
The Kansas City Southern Railway Company	<b>10 minutes</b>
<b><u>OTHER RAILROADS</u></b>	
Union Pacific Railroad Company	<b>12 minutes</b>
Canadian Pacific Railway Company and St. Lawrence and Hudson Railway Company Limited	<b>6 minutes</b>
Ontario Michigan Rail Corporation	<b>6 minutes</b>
<b>Total</b>	<b>24 minutes</b>
<b><u>FEDERAL/STATE GOVERNMENT PARTIES</u></b>	
U.S. Department of Transportation	<b>8 minutes</b>
North Dakota Public Service Commission, North Dakota Department of Transportation, and North Dakota Department of Agriculture	<b>5 minutes</b>
<b>Total</b>	<b>13 minutes</b>
<b><u>SHIPPER ORGANIZATION</u></b>	
The National Industrial Transportation League	<b>6 minutes</b>
<b><u>SHIPPER PARTIES</u></b>	
Exxon Chemical Americas	<b>5 minutes</b>

Rubicon Inc. and Uniroyal Chemical Company, Inc.	<b>5 minutes</b>
Vulcan Chemicals	<b>5 minutes</b>
<b>Total</b>	<b>15 minutes</b>

**LABOR PARTIES**

American Train Dispatchers Department--BLE, and The International Brotherhood of Electrical Workers	<b>4 minutes</b>
Brotherhood of Maintenance of Way Employes	<b>4 minutes</b>
International Association of Machinists and Aerospace Workers	<b>4 minutes</b>
Transportation•Communications International Union	<b>5 minutes</b>
United Transportation Union	<b>10 minutes</b>
<b>Total</b>	<b>27 minutes</b>

**REBUTTAL**

The primary applicants are allotted the unused portion of their 55 minutes argument time for rebuttal.