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SEC

SERVICE DATE – AUGUST 25, 2004

SURFACE TRANSPORTATION BOARD

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. 9

Decided: August 23, 2004

By motion (designated NCFO-1) filed July 21, 2004, the National Conference of Firemen & Oilers - SEIU (NCFO) asked that the Board issue an order directing Canadian National Railway Company (CN) to show cause why it should not be sanctioned for misrepresenting to the Board material facts regarding the impact on employees represented by NCFO of the transaction that was authorized by the Board in Decision No. 7 (served April 9, 2004).

By letter filed August 10, 2004, CN advised that it was in discussions with NCFO that might lead to a settlement that would resolve the issues raised in the NCFO-1 motion, and, therefore, CN asked that the time for replying to the NCFO-1 motion be extended until August 17, 2004. Accordingly, in Decision No. 8 (served August 12, 2004), the due date for filing a reply to the NCFO-1 motion was extended to August 17, 2004.

By letter filed August 17, 2004, NCFO advises that the discussions between the parties have resolved the issues that led to the filing of the NCFO-1 motion, and that, consequently, NCFO would like to withdraw that motion. In view of the Board's longstanding preference for negotiated resolution of disputes, the request for leave to withdraw the NCFO-1 motion will be granted, and the proceeding that was initiated by the filing of that motion will be discontinued.

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

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.

It is ordered:

1. NCFO's request for leave to withdraw its NCFO-1 motion is granted.
2. The proceeding that was initiated by the filing of the NCFO-1 motion is discontinued.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary