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SEC

SERVICE DATE - OCTOBER 24, 2002

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34178

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION AND CEDAR  
AMERICAN RAIL HOLDINGS, INC. — CONTROL — IOWA, CHICAGO & EASTERN  
RAILROAD CORPORATION

Decision No. 4

Decided: October 23, 2002

NOTICE TO THE PARTIES:

The attached service list has been compiled from the notices of intent to participate submitted in accordance with the procedural schedule set forth in this proceeding in Decision No. 2, served September 26, 2002, and published September 27, 2002, in the Federal Register at 67 FR 61188-94.

Each person actively participating as a Party of Record in this proceeding must, within 10 days of the service date of this Notice, serve a copy of all filings submitted so far in this proceeding on each Party of Record (designated on the attached service list as “Party of Record”) to the extent such filings have not previously been served upon such other parties. Each Party of Record also will be required to file with the Secretary of the Board, within 10 days of the service date of this Notice, an original plus 10 copies of a certificate of service, along with an electronic copy, indicating that the service required by the preceding sentence has been accomplished.

Every filing made by a Party of Record after the service date of this Notice must have its own certificate of service indicating that all Parties of Record on the service list have been served with a copy of the filing. As stated in Decision No. 2, Members of the United States Congress and Governors are not Parties of Record and, therefore, need not be served with copies of filings, unless any such Member or Governor has requested to be, and is designated, as a Party of Record. At the present time, however, there are no “Governor” designations on the service list.

The Board will continue to follow the practice regarding service of Board actions established in Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company – Control and Merger – Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance Docket No. 32760 (UP/SP). See UP/SP, Decision No 15 (STB served Feb. 16, 1996), at 2-3. Copies of decisions, orders, and notices will be served only on those persons

who are designated as Party of Record, Member of Congress, or Governor on the official service list. All other interested persons are encouraged to make advance arrangements with the Board's copy contractor, D-2 D- Legal Copy Service, to receive copies of Board decisions, orders, and notices served in this proceeding.<sup>1</sup> D-2 D- Legal Copy Service will handle the collection of charges and the mailing and/or faxing of decisions, orders, and notices to persons who request this service. The telephone number for D-2 D- Legal Copy Service is: (202) 293-7776.<sup>2</sup>

All persons named on the attached service list should review the list and determine whether information about their address and status (as a Party of Record or not a Party of Record), is correct. The list reflects our policy of allowing only one official representative per party to be placed on the service list, as specified in Press Release No. 97-68 dated August 18, 1997, announcing the implementation of the Board's "One Party-One Representative" policy for service lists. In this proceeding, if a request was made in the notice of intent to participate to have more than one name added to the service list as a Party of Record representing a particular entity, the extra name was added to the service list as a "Non-Party." Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 CFR 1180.4, and any other requirements set forth in Decision No. 2 and this decision.

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<sup>1</sup> In addition to the service provided by D-2 D- Legal Copy Service, interested persons may obtain copies of Board decisions, orders, and notices from our website at "www.stb.dot.gov."

<sup>2</sup> An interested person does not need to be on the service list to obtain a copy of the primary application or any other filing made in this proceeding. Our Railroad Consolidation Procedures provide: "Any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order." See 49 CFR 1180.4(a)(3). The primary application and other filings in this proceeding will also be available on the Board's website at "www.stb.dot.gov" under "Filings." Furthermore, D-2 D- Legal Copy Service will provide, for a charge, copies of the primary application or any other filing made in this proceeding, except to the extent any such filing is subject to the protective order previously entered in this proceeding.

Requests to change or correct service list information, or to be deleted from the service list, must be filed **in writing** with the Board by **October 31, 2002**. An original plus 25 copies of such requests, along with an electronic copy, should be directed to:

Surface Transportation Board  
Re: STB Finance Docket No. 34178  
1925 K Street, N.W.  
Washington, DC 20423-0001

**Late-Filed Notices of Intent to Participate.** The Board received late-filed notices of intent to participate from the following parties: (1) Mark F. Wandro, Director, Iowa Department of Transportation (Iowa DOT), received on October 22, 2002; and (2) Diane P. Gerth, Esq., Leonard, Street, and Deinard, Professional Association, attorneys for Soo Line Railroad Company d/b/a Canadian Pacific Railway (Soo Line/CP), received on October 23, 2002. The Board accepts the late-filed notices. Accordingly, Mr. Wandro will be added to the service list as a party of record representing Iowa DOT, and Ms. Gerth will be added to the service list as a party of record representing Soo Line/CP.

Vernon A. Williams  
Secretary

APPENDIX

PARTY OF RECORD

MARTIN W. BERCOVICI  
KELLER AND HECKMAN LLP  
1001 G STREET, N.W.  
SUITE 500 WEST  
WASHINGTON DC 20001 US

Represents:

ARKANSAS ELECTRIC COOPERATIVE  
CORPORATION

PARTY OF RECORD

PAUL A. CUNNINGHAM  
HARKINS CUNNINGHAM  
801 PENNSYLVANIA AVENUE, N.W.  
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WASHINGTON DC 20004-2615 US

Represents: PAUL A. CUNNINGHAM

PARTY OF RECORD

NICHOLAS J. DIMICHAEL  
THOMPSON HINE LLP  
1920 N STREET, N.W.  
WASHINGTON DC 20036-1600 US

Represents:

MIDAMERICAN ENERGY COMPANY  
NATIONAL INDUSTRIAL  
TRANSPORTATION LEAGUE

PARTY OF RECORD

DANIEL R. ELLIOTT III  
ASSOCIATE GENERAL COUNSEL  
UNITED TRANSPORTATION UNION  
14600 DETROIT AVENUE  
CLEVELAND OH 44107-4250 US

Represents:

UNITED TRANSPORTATION UNION

PARTY OF RECORD

DIANE P. GERTH  
LEONARD, STREET AND DEINARD PA  
150 SOUTH FIFTH STREET  
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Represents:

SOO LINE RAILROAD COMPANY  
D/B/A CANADIAN PACIFIC  
RAILWAY

PARTY OF RECORD

DON M. HAHS  
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1370 ONTARIO STREET  
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Represents:

BROTHERHOOD OF LOCOMOTIVE  
ENGINEERS

PARTY OF RECORD  
JOHN D. HEFFNER  
555 TWELFTH STREET, N.W.  
SUITE 950N  
WASHINGTON DC 20004 US

Represents:  
CITY OF OWATONNA MINNESOTA

PARTY OF RECORD  
CHARLES A. JAMES,  
ASSISTANT ATTORNEY GENERAL  
ANTITRUST DIVISION  
U.S. DEPT. OF JUSTICE, RM. 3109  
10TH STREET AND CONSTITUTION  
AVENUE, N.W.  
WASHINGTON DC 20530 US

Represents:  
U.S. DEPARTMENT OF JUSTICE

PARTY OF RECORD  
STEVEN J. KALISH  
MCCARTHY, SWEENEY &  
HARKAWAY, P.C.  
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WASHINGTON DC 20037 US

Represents:  
CITY OF ROCHESTER MINNESOTA

PARTY OF RECORD  
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Represents:  
IOWA CHICAGO & EASTERN  
RAILROAD CORPORATION

PARTY OF RECORD  
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Represents:  
KANSAS CITY SOUTHERN

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NORTH CENTRAL FARMERS  
ELEVATOR

PARTY OF RECORD

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PARTY OF RECORD

PETER A. PFOHL  
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1224 SEVENTEENTH STREET, N.W.  
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Represents:  
WESTERN COAL TRAFFIC LEAGUE

PARTY OF RECORD

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Represents:  
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ADMINISTRATION

PARTY OF RECORD

MICHAEL L. ROSENTHAL  
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1201 PENNSYLVANIA AVENUE, N.W.  
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Represents:  
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PARTY OF RECORD

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Represents:  
CEDAR AMERICAN RAIL HOLDINGS  
INC  
DAKOTA, MINNESOTA & EASTERN  
RAILROAD

PARTY OF RECORD

PAUL SAMUEL SMITH  
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400 SEVENTH STREET, S.W.  
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U.S. DEPARTMENT OF  
TRANSPORTATION

PARTY OF RECORD  
MONTY T. TUCHEL  
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Represents: UTU LOCAL 64

PARTY OF RECORD  
ROBERT P. VOM EIGEN  
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Represents:  
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PARTY OF RECORD  
MARK F. WANDRO  
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800 LINCOLN WAY  
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Represents:  
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TRANSPORTATION

PARTY OF RECORD  
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MEMBER OF CONGRESS  
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