

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35743

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORPORATION UNDER
49 U.S.C. § 24308(a)—CANADIAN NATIONAL RAILWAY COMPANY

Decided: July 13, 2015

After the National Railroad Passenger Corporation (Amtrak) filed an application under 49 U.S.C. § 24308(a)(2), the Board instituted a proceeding to establish reasonable terms and compensation for Amtrak's use of the facilities and services of Illinois Central Railroad Company and Grand Trunk Western Railroad Company (collectively, CN).¹ Application of the Nat'l R.R. Passenger Corp. under 49 U.S.C. § 24308(a)—Canadian Nat'l Ry., FD 35743, slip op. at 3 (STB served Aug. 9, 2013). Subsequently, the Board adopted a procedural schedule proposed by Amtrak and CN. The Board then granted several extensions of the procedural schedule to facilitate the parties' discovery. On September 23, 2014, the Board served a revised procedural schedule that would become effective upon completion of discovery, and, on March 26, 2015, the Board indicated that the procedural schedule had not yet begun due to outstanding discovery disputes and that the schedule would be addressed in a future Board decision.²

On July 6, 2015, Amtrak notified the Board that it had completed its outstanding discovery obligations, and Amtrak and CN filed a joint request that opening submissions for both parties be due on September 4, 2015.

The joint request is reasonable and will be granted. Therefore, the Board adopts the following procedural schedule, which sets the deadlines for subsequent filings consistent with the time periods under the September 23, 2014 scheduling order:

September 4, 2015	Opening submissions by both parties
October 9, 2015	Rebuttal submissions by both parties

¹ Illinois Central Railroad Company and Grand Trunk Western Railroad Company are indirect subsidiaries of Canadian National Railway Company.

² Thereafter, the Board assigned and authorized Administrative Law Judge John P. Dring of the Federal Energy Regulatory Commission to entertain and rule upon discovery matters and resolve all disputes concerning discovery in this case. Judge Dring held a discovery conference on June 1, 2015, and ruled on all the remaining discovery disputes by order served June 4, 2015.

November 13, 2015 Opening briefs of both parties

December 4, 2015 Reply briefs of both parties

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

It is ordered:

1. The procedural schedule described above is adopted.

2. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.