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SERVICE DATE – JUNE 4, 2015

SURFACE TRANSPORTATION BOARD

ORDER OF PRESIDING ADMINISTRATIVE LAW JUDGE RESOLVING DISCOVERY
DISPUTES

Docket No. FD 35743

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

Decided: June 3, 2015

On July 30, 2013, the National Railroad Passenger Corporation (Amtrak) filed an application under 49 U.S.C. § 24308(a)(2), seeking the institution of a proceeding and a procedural schedule to determine reasonable terms and compensation for Amtrak's use of Grand Trunk Railway Company and Illinois Central Railway Company (together, the Canadian National Railway Company or CN) facilities (including rail lines) and services, making those new terms and compensation retroactively effective as of August 12, 2013; and, an interim service order, effective August 12, 2013, requiring CN to continue to make available to Amtrak the facilities and services necessary for Amtrak to continue to operate on CN rail lines under the same terms and compensation of the current Amtrak-CN contract.

On August 9, 2013, the Board instituted the instant proceeding to establish reasonable terms and compensation for use by the Amtrak of CN facilities and services. The Board also required CN to continue to provide Amtrak facilities and services on an interim basis under the terms of their existing contract.

On April 30, 2015, the Board assigned and authorized Administrative Law Judge John P. Dring of the Federal Energy Regulatory Commission (FERC) to entertain and rule upon discovery matters and to resolve all disputes concerning discovery in this proceeding.

On May 20, 2015, the Board served an order by Judge Dring scheduling a discovery conference on all outstanding discovery matters for June 1, 2015, at 10:00 a.m. in a hearing room at FERC.

On June 1, 2015, a discovery conference was held on the record as scheduled. All outstanding discovery issues were identified and resolved, as described below. All discovery ordered by Judge Dring is subject to the applicable protective order.

The instant order confirms the rulings made on the record at the June 1, 2015 discovery conference.

It is ordered:

1. No later than June 15, 2015, Amtrak will notify CN as to whether Amtrak has the capability to produce the database containing revenue information in a usable native format without ticket price information, as sought by CN in its third motion to compel responses to discovery requests. No later than June 29, 2015, Amtrak will produce to CN either the database in native format without ticket price information or, if unable to remove the ticket price information, the entire database in a usable native format, as sought by CN in its third motion to compel responses to discovery requests.

2. No later than June 8, 2015, Amtrak will produce to CN the Host Railroad Issue Log sought by CN in its fourth motion to compel responses to discovery requests.

3. No later than June 11, 2015, Amtrak will produce to CN the Quarterly Dockets sought by CN in its fourth motion to compel responses to discovery requests.

4. CN will promptly notify Judge Dring if any of the above ordered deadlines are not met by Amtrak. Such notification should be direct to Judge Dring's law clerk, Thomas Kirby, who may be contacted at (202) 502-8104 or thomas.kirby@ferc.gov.

By the Board, John P. Dring, Administrative Law Judge.