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SERVICE DATE - FEBRUARY 10, 2000

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33842

CANADIAN NATIONAL RAILWAY COMPANY, GRAND TRUNK WESTERN RAILROAD INCORPORATED, ILLINOIS CENTRAL RAILROAD COMPANY, BURLINGTON NORTHERN SANTA FE CORPORATION, AND THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY — COMMON CONTROL

Decision No. 5

Decided: February 9, 2000

By petition (designated JDF-1) filed January 18, 2000, John D. Fitzgerald, for and on behalf of United Transportation Union-General Committee of Adjustment (UTU-GO 386),¹ challenges two requirements imposed in Decision No. 1 on all parties to this proceeding: (1) the electronic submission requirement; and (2) the 25 paper copies requirement.

(1) We have previously denied similar challenges to our electronic submission requirement and have explained our rationale for the requirement (i.e., that all filings be accompanied by an electronic version) that we have imposed in this and certain other proceedings. See 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, STB Finance Docket No. 33556, Decision No. 3 (STB served May 19, 1998). See also Market Dominance Determinations — Product and Geographic Competition, STB Ex Parte No. 627 (STB served Jan. 24, 2000). We will therefore reject the challenge to the electronic submission requirement. We would add, as always, that parties may seek individual waivers of the electronic submission requirement.

(2) We will also reject the challenge to the 25 paper copies requirement (i.e., that any filing submitted in this proceeding be accompanied by 25 — as opposed to 10 — paper copies). Certain proceedings, such as major rail consolidation proceedings, involving voluminous records and complex issues are necessarily assigned to a greater number of our employees for the requisite analysis. Requiring the filing of 25 paper copies of pleadings is warranted to ensure the efficient and timely handling of these proceedings by the agency's staff.

¹ Mr. Fitzgerald is General Chairman for the United Transportation Union on lines of The Burlington Northern and Santa Fe Railway Company.

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

It is ordered:

1. The JDF-1 petition is denied.
2. This decision is effective on the date of service.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Vernon A. Williams
Secretary