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SEC

SERVICE DATE - LATE RELEASE SEPTEMBER 28, 1998

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33556

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

Decision No. 9

Decided: September 28, 1998

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. 6, served August 14, 1998, and published that day in the Federal Register at 63 FR 43744-51.<sup>1</sup>

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 25 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 Administrative Law Judge David Harfeld and all Parties of Record on the service list have been served with a copy of the filing. As stated in Decision No. 6, 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 "Member of Congress" or "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

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<sup>1</sup> On August 21, 1998, the Brotherhood of Locomotive Engineers (BLE) filed with the Board a Request for Waiver from the Disk-CD Requirement (BLE-2). In light of our receipt on September 21, 1998, of BLE's disk and a letter withdrawing the BLE-2 filing, we will consider the request in BLE-2 as moot.

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 Railway 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, DC News & Data, Inc. (DC News), to receive copies of Board decisions, orders, and notices served in this proceeding.<sup>2</sup> DC News will handle the collection of charges and the mailing and/or faxing of decisions to persons who request this service. The telephone number for DC News is: (202) 289-4357.<sup>3</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.<sup>4</sup> 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(a) and (d), as recently amended in Railroad Consolidation Procedures--Modification of Fee Policy, STB Ex Parte No. 556, 62 FR 9714, 9717 (Mar. 4, 1997) (interim rules), 62 FR 28375 (May 23, 1997) (final rules), and any other requirements set forth in Decision No. 6 and this decision.

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 5, 1998. An original plus 25 copies of such requests, along with an electronic copy, should be directed to:

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<sup>2</sup> In addition to the service provided by DC News, interested persons may obtain copies of Board decisions, orders, and notices from our website at "WWW.STB.DOT.GOV."

<sup>3</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), as recently amended in Railroad Consolidation Procedures--Modification of Fee Policy, STB Ex Parte No. 556, 62 FR 9714, 9717 (Mar. 4, 1997) (interim rules), 62 FR 28375 (May 23, 1997) (final rules). Furthermore, DC News 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 issued in this proceeding.

<sup>4</sup> See Press Release No. 97-68 dated August 18, 1997, announcing the implementation of the Board's "One Party-One Representative" policy for service lists.

Office of the Secretary  
Case Control Branch  
Attn: STB Finance Docket No. 33556  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**Petition for Leave to Late-file a Notice of Intent to Participate.** On September 18, 1998, The City of Chicago (the City) filed a petition for leave to late-file its notice of intent to participate as a party of record or in the alternative to intervene (CHI-1).<sup>5</sup> The City states that it has been engaged in negotiations for several months with applicants and other railroads concerning the impact of additional traffic resulting from the merger, but that the pace of the negotiations has been slow, and accordingly, it must seek to participate in this proceeding as a party of record in order to seek conditions in the event the on going negotiations are not successful. The City's request is reasonable, and its notice of intent to participate is accepted. The City has been added to the service list as a party of record represented by John Broadley, attorney for the City.

**Duplicate Filing of a Notice of Intent to Participate.** By letter dated September 25, 1998, Exxon Chemical Americas (ECA) filed a duplicate original and 25 copies of its notice of intent to participate, along with a disk, that was submitted to the Board on behalf of ECA on August 25, 1998. ECA explains that the duplicate filing is being made due to the loss of the original by Airborne Express. It says that the Airborne Express truck containing ECA's filing was robbed in Washington, D.C., and its filing was evidently stolen. ECA just recently discovered that the Board never received its original August 25 filing. ECA advises that the August 25 deliveries to applicants' representatives and Administrative Law Judge Harfeld were not affected by the truck robbery. Because of the unusual circumstances involved, ECA's duplicate filing of its notice of intent to participate is accepted. ECA has been added to the service list as a party of record represented by Stephen M. Coulter.

Vernon A. Williams  
Secretary

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<sup>5</sup> By reply (designated CN/IC-19) filed September 23, 1998, applicants state that they do not oppose the City's petition because they do not believe that their interests or the Board's procedures will be unduly prejudiced by the relief sought. Applicants further state that they recognize the importance of timely filings and adherence to the schedule in this proceeding, and their nonopposition in this instance is without prejudice to their right to oppose any requests made by parties or potential parties in the future.

STB Finance Docket No. 33556

PARTY OF RECORD

MARTIN W BERCOVICI  
KELLER & HECKMAN, LLP  
1001 G ST NW SUITE 500 WEST  
WASHINGTON DC 20001 US

Represents: RUBICON INC  
SOCIETY OF THE PLASTICS INDUSTRY INC  
UNIROYAL CHEMICAL COMPANY, INC.

PARTY OF RECORD

CHARLES D BOLAM  
UNITED TRANSPORTATION UNION  
1400-20TH STREET  
GRANITE CITY IL 62040 US

Represents: UNITED TRANSPORTATION UNION-  
GENERAL COMMITTEE OF ADJUSTMENT (GO-ALS)

PARTY OF RECORD

JOHN H BROADLEY  
JENNER & BLOCK  
601 13TH ST NW 12TH FL  
WASHINGTON DC 20005 US

Represents: CITY OF CHICAGO, ILLINOIS

PARTY OF RECORD

ABBY E CAPLAN  
1800 MASSACHUSETTS AVENUE NW SUITE 500  
WASHINGTON DC 20036-1883 US

Represents: FIELDSTON PUBLICATIONS INC

PARTY OF RECORD

STEPHEN M COULTER  
EXXON CHEMICAL AMERICAS  
13501 KATY FREEWAY  
HOUSTON TX 77079-1398 US

Represents: EXXON CHEMICAL AMERICAS

PARTY OF RECORD

PAUL A CUNNINGHAM  
HARKINS CUNNINGHAM  
1300 NINETEENTH STREET, NW STE. 600  
WASHINGTON DC 20036-1609 US

Represents: CANADIAN NATIONAL RAILWAY  
COMPANY

CANADIAN NATIONAL RAILWAY COMPANY  
BLACKHAWK MERGER SUB INC  
GRAND TRUNK CORPORATION  
GRAND TRUNK WESTERN RAILROAD INCORPORATED

PARTY OF RECORD

NICHOLAS J DIMICHAEL  
DONELAN CLEARY WOOD & MASER PC  
1100 NEW YORK AVENUE N W STE 750  
WASHINGTON DC 20005-3934 US

Represents: NATIONAL INDUSTRIAL  
TRANSPORTATION LEAGUE

PARTY OF RECORD

PAUL M DONOVAN  
LAROE, WINN, MOERMAN & DONOVAN  
3506 IDAHO AVE NW  
WASHINGTON DC 20016 US

Represents: PORT AUTHORITY OF NEW YORK  
AND NEW JERSEY  
VULCAN CHEMICALS

PARTY OF RECORD

KELVIN J DOWD  
SLOVER & LOFTUS  
1224 17TH STREET N W  
WASHINGTON DC 20036 US

Represents: STATE OF NEW YORK

PARTY OF RECORD

RICHARD S EDELMAN  
O'DONNELL SCHWARTZ & ANDERSON PC  
1900 L STREET NW SUITE 707  
WASHINGTON DC 20036 US

Represents: ALLIED RAIL UNIONS

PARTY OF RECORD

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

Represents: UNITED TRANSPORTATION UNION

PARTY OF RECORD

ROBERT L EVANS  
P O BOX 809050  
OCCIDENTAL TOWER 5005 LBJ FREEWAY  
DALLAS TX 75380-9050 US

Represents: OCCIDENTAL CHEMICAL CORPORATION

PARTY OF RECORD

GERALD W FAUTH III  
G W FAUTH & ASSOCIATES INC  
116 SOUTH ROYAL STREET  
ALEXANDRIA VA 22314 US

Represents: G W FAUTH & ASSOCIATES INC

STB Finance Docket No. 33556

PARTY OF RECORD

JOHN D FITZGERALD  
UTU, GENERAL CHAIRPERSON  
400 E EVERGREEN BLVD STE 217  
VANCOUVER WA 98660-3264 US

Represents: UNITED TRANSPORTATION  
UNION-GENERAL COMMITTEE OF ADJUSTMENT  
GO 386

PARTY OF RECORD

PHILIP GAUTHIER  
8453 BRITTANY ROAD  
SORRENTO LA 70778 US

Represents: CONCERNED CITIZENS OF ASCENSION  
PARISH LOUISIANA

PARTY OF RECORD

DONALD F GRIFFIN  
BROTHERHOOD OF MAINTENANCE OF WAY  
EMPLOYEES  
10 G STREET NE STE 460  
WASHINGTON DC 20002 US

Represents: BROTHERHOOD OF MAINTENANCE  
OF WAY EMPLOYEES

PARTY OF RECORD

DAVID L HALL  
COMMONWEALTH CONSULTING ASSOCIATES  
13103 FM 1960 WEST SUITE 204  
HOUSTON TX 77065-4069 US

Represents: SHELL CHEMICAL COMPANY  
SHELL OIL COMPANY

ADMINISTRATIVE LAW JUDGE

HON DAVID J HARFELD  
FERC - OFFICE OF HEARINGS  
888 FIRST STREET NE SUITE 11F  
WASHINGTON DC 20426 US

Represents:

PARTY OF RECORD

PATRICK C HENDRICKS  
STATE LEGISLATIVE DIRECTOR UTU  
313 E 5TH STREET  
DES MOINES IA 50309 US

Represents: UNITED TRANSPORTATION UNION  
IOWA LEGISLATIVE BOARD

PARTY OF RECORD

DEWITT J HENRY  
WAYNE COUNTY DEPT OF JOBS & ECONOMIC  
DEVELOPMENT, ADMINISTRATION  
600 RANDOLPH, 323 WAYNE COUNTY BUILDING  
DETROIT MI 48226 US

Represents: WAYNE COUNTY DEPARTMENT OF JOBS  
& ECONOMIC DEVELOPMENT, ADMINISTRATION

PARTY OF RECORD

TERENCE M HYNES  
SIDLEY & AUSTIN  
1722 EYE STREET NW  
WASHINGTON DC 20006-5304 US

Represents: CANADIAN PACIFIC RAILWAY COMPANY  
DELAWARE AND HUDSON RAILWAY COMPANY INC  
SOO LINE RAILROAD COMPANY  
ST LAWRENCE & HUDSON RAILWAY COMPANY  
LIMITED

PARTY OF RECORD

ERIKA Z JONES  
MAYER BROWN & PLATT  
2000 PA AV NW  
WASH DC 20006-1882 US

Represents: BURLINGTON NORTHERN AND SANTA FE  
RAILWAY COMPANY

PARTY OF RECORD

R MARC JORDAN  
MEMPHIS AREA CHAMBER OF COMMERCE  
PO BOX 224  
MEMPHIS TN 38101-0224 US

Represents: MEMPHIS AREA CHAMBER OF COMMERCE

PARTY OF RECORD

FRITZ R KAHN  
1100 NEW YORK AVENUE NW SUITE 750 WEST  
WASHINGTON DC 20005-3934 US

Represents: CONSOL INC  
ONTARIO-MICHIGAN RAIL CORPORATION  
SIMPSON TIMBER COMPANY

PARTY OF RECORD

LARRY B. KARNES  
TRANSPORTATION BUILDING  
PO BOX 30050  
425 WEST OTTAWA  
LANSING MI 48909 US

Represents: MICHIGAN DEPARTMENT OF  
TRANSPORTATION

PARTY OF RECORD

MITCHELL M. KRAUS  
TRANSPORTATION -COMMUNICATIONS  
INTERNATIONAL UNION  
3 RESEARCH PLACE  
ROCKVILLE MD 20850 US

Represents: TRANSPORTATION- COMMUNICATIONS  
INTERNATIONAL UNION

STB Finance Docket No. 33556

PARTY OF RECORD

PAUL H LAMBOLEY  
1350 EYE STREET, N.W., STE 200  
WASHINGTON DC 20005-3324 US

Represents: TRANSPORTATION INTERMEDIARIES  
ASSOCIATION

PARTY OF RECORD

ALLYN LEPESKA  
WISCONSIN DEPARTMENT OF TRANSPORTATION  
P O BOX 7910  
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MADISON WI 53707-7910 US

Represents: WISCONSIN DEPARTMENT OF  
TRANSPORTATION

PARTY OF RECORD

JOHN H LESEUR  
SLOVER & LOFTUS  
1224 17TH STREET NW  
WASHINGTON DC 20036-3081 US

Represents: EVTAC MINING

PARTY OF RECORD

C MICHAEL LOFTUS  
SLOVER & LOFTUS  
1224 SEVENTEENTH STREET, NW  
WASHINGTON DC 20036 US

Represents: DETRIOT EDISON COMPANY

PARTY OF RECORD

GORDON P MACDOUGALL  
1025 CONNECTICUT AVE NW SUITE 410  
WASHINGTON DC 20036 US

Represents: JOSEPH C SZABO

PARTY OF RECORD

ALBERT A MARTIN  
DIRECTOR, DETROIT, MICHIGAN DOT  
1301 EAST WARREN  
DETROIT MI 48207 US

Represents: DETROIT, MICHIGAN  
DEPARTMENT OF TRANSPORTATION

PARTY OF RECORD

JOHN K MASER III  
DONELAN CLEARY WOOD & MASER P C  
1100 NEW YORK AVE NW SUITE 750  
WASHINGTON DC 20005-3934 US

Represents: AMERICAN FOREST & PAPER  
ASSOCIATION  
CARGILL INC

PARTY OF RECORD

MICHAEL F MCBRIDE  
LEBOEUF LAMB GREENE & MACRAE  
1875 CONNECTICUT AVENUE NW  
WASHINGTON DC 20009-5728 US

Represents: FERTILIZER INSTITUTE

PARTY OF RECORD

JOHN F. MCHUGH  
MCHUGH & SHERMAN  
20 EXCHANGE PLACE 51ST FLOOR  
NEW YORK NY 10005 US

Represents: TENNKEN RAILROAD COMPANY INC

PARTY OF RECORD

G PAUL MOATES  
SIDLEY & AUSTIN  
1722 EYE STREET NW  
WASHINGTON DC 20006 US

Represents: NORFOLK SOUTHERN RAILWAY  
COMPANY

PARTY OF RECORD

WILLIAM A MULLINS  
TROUTMAN SANDERS LLP  
1300 I STREET NW SUITE 500 EAST  
WASHINGTON DC 20005-3314 US

Represents: KANSAS CITY SOUTHERN RAILWAY  
COMPANY

PADUCAH & LOUISVILLE RAILWAY INC

PARTY OF RECORD

W STEVEN OLINEK  
8109 E JEFFERSON AVE  
DETROIT MI 48214 US

Represents: DETROIT/WAYNE COUNTY PORT  
AUTHORITY

PARTY OF RECORD

ARVID E ROACH II  
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Represents: UNION PACIFIC RAILROAD COMPANY

PARTY OF RECORD

HAROLD A. ROSS  
GENERAL COUNSEL, ROSS & KRAUSHAAR  
CO., I. P. A.  
1370 ONTARIO STREET,  
1548 STANDARD BUILDING  
CLEVELAND OH 44113-1740 US

Represents: BROTHERHOOD OF LOCOMOTIVE  
ENGINEERS

STB Finance Docket No. 33556

PARTY OF RECORD  
IRVING J RUBIN  
P O BOX 243  
YOUNGSTOWN NY 14174 US

Represents: EASTERN BORDER TRANSPORTATION  
COALITION

PARTY OF RECORD  
WILLIAM L SCHERI  
INTERNATIONAL ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS  
9000 MACHINISTS PLACE  
UPPER MARLBORO MD 20772-2687 US

Represents: INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AREOSPACE WORKERS

PARTY OF RECORD  
THOMAS E. SCHICK  
CHEMICAL MANUF ASSOC  
1300 WILSON BOULEVARD  
ARLINGTON VA 22209 US

Represents: CHEMICAL MANUFACTURERS  
ASSOCIATION

PARTY OF RECORD  
MARK H SIDMAN  
WEINER BRODSKY,SIDMAN & KIDER  
1350 NEW YORK AVE., NW., STE. 800  
WASHINGTON DC 20005-4797 US

Represents: I&M RAIL LINK LLC

PARTY OF RECORD  
KENNETH E. SIEGEL  
AMERICAN TRUCKING ASSOC INC  
2200 MILL ROAD  
ALEXANDRIA VA 22314-4677 US

Represents: AMERICAN TRUCKING ASSOCIATIONS INC

PARTY OF RECORD  
SAMUEL M SIPE JR  
STEPTOE & JOHNSON  
1330 CONNECTICUT AVENUE N W  
WASHINGTON DC 20036-1795 US

Represents: CSX CORPORATION  
CSX TRANSPORTATION INC

PARTY OF RECORD  
WILLIAM C SIPPEL  
OPPENHEIMER WOLFF & DONNELLY  
180 N STETSON AVE TWO PRUDENTIAL PLAZA 45<sup>TH</sup>  
FLOOR  
CHICAGO IL 60601-6710 US

Represents: CEDAR RIVER RAILROAD COMPANY  
CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY  
ILLINOIS CENTRAL CORPORATION  
ILLINOIS CENTRAL RAILROAD COMPANY

PARTY OF RECORD  
RICHARD G SLATTERY  
AMTRAK  
60 MASSACHUSETTS AVENUE N E  
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Represents: NATIONAL RAILROAD PASSENGER  
CORPORATION (AMTRAK)

PARTY OF RECORD  
PAUL SAMUEL SMITH  
US DEPARTMENT OF TRANSPORTATION  
400 SEVENTH STREET SW, ROOM 4102 C-30  
WASHINGTON DC 20590 US

Represents: U S DEPARTMENT OF TRANSPORTATION

PARTY OF RECORD  
MIKE SPAHIS  
FINA OIL & CHEMICAL CO.  
6000 LEGACY DRIVE  
PLANO, TX 75024-3601 US

Represents: FINA OIL AND CHEMICAL COMPANY

PARTY OF RECORD  
EILEEN S STOMMES  
P O BOX 96456  
ROOM 4006-SOUTH BUILDING  
WASHINGTON DC 20090-6456 US

Represents: U S DEPARTMENT OF AGRICULTURE

PARTY OF RECORD  
MERRILL L TRAVIS  
ILLINOIS DEPT OF TRANSPORTATION  
2300 S DIRKSEN PARKWAY RM 302  
SPRINGFIELD IL 62764 US

Represents: ILLINOIS DEPARTMENT OF  
TRANSPORTATION

PARTY OF RECORD  
ALLAN J VOGEL  
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925 KELLY ANNEX MS470  
395 JOHN IRELAND BLVD  
ST PAUL MN 55155 US

Represents: MINNESOTA DEPARTMENT OF  
TRANSPORTATION

PARTY OF RECORD  
WILLIAM W WHITEHURST JR  
W W WHITEHURST & ASSOCIATES INC  
12421 HAPPY HOLLOW ROAD  
COCKEYSVILLE MD 21030-1711 US

Represents: W W WHITEHURST & ASSOCIATES INC

PARTY OF RECORD

C W (CHUCK) WILLIS  
P O BOX 1607  
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Represents: CITY OF WINSOR, ONTARIO

PARTY OF RECORD

MICHAEL S WOLLY  
ZWERDLING PAUL LEIBIG KAHN THOMPSON & WOLLY  
1025 CONNECTICUT AVE NW SUITE 712  
WASHINGTON DC 20036 US

Represents: AMERICAN TRAIN DISPATCHERS  
DEPARTMENT OF THE INTERNATIONAL  
BROTHERHOOD OF LOCOMOTIVE ENGINEERS  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS

PARTY OF RECORD

E C WRIGHT  
RAIL TRANSPORTATION PROCUREMENT  
MANAGER  
1007 MARKET STREET DUPONT BLDG 3100  
WILMINGTON DE 19898 US

Represents: E I DU PONT DE NEMOURS AND COMPANY  
INC