

HARKINS CUNNINGHAM LLP

238934

Attorneys at Law

David A. Hirsh  
202.973.7606  
dhirsh@harkinscunningham.com

1700 K Street, N.W.  
Suite 400  
Washington, D.C. 20006-3804  
Telephone 202.973.7600  
Facsimile 202.973.7610

ENTERED  
Office of Proceedings  
July 28, 2015  
Part of  
Public Record

July 28, 2015

Ms. Cynthia Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

**Re: *Application of the National Railroad Passenger Corporation under 49 U.S.C. § 24308(a) – Canadian National Railway Company (Docket No. FD 35743)***

Dear Ms. Brown:

Pursuant to the Board's order dated August 21, 2013, in the above-referenced proceeding, CN filed its statement of disputed issues on October 24, 2013. In that statement, the third and final issue listed by CN was as follows:

Whether the 1.2-mile connection over CN through Battle Creek (between the Gord and Baron control points) joining Norfolk Southern-dispatched railroad segments for Amtrak's Wolverine Service should be treated as a joint facility or otherwise for purposes of compensation and any penalties under the Operating Agreement.

By this letter, CN informs the Board that CN will not propose that the Board prescribe in this proceeding that the 1.2-mile connection over CN through Battle Creek be treated as a joint facility.

Respectfully submitted,

David A. Hirsh

Counsel for Illinois Central Railroad Company  
and Grand Trunk Western Railroad Company

cc: Linda J. Morgan, Esquire  
William H. Herrmann, Esquire