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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

Case 3:11-cv-00001  
JUN 10 2011  
Dept of  
Public Transport

**STB EX PARTE NO. 705**

**COMPETITION IN THE RAILROAD INDUSTRY**

**NOTICE OF THE KANSAS CITY SOUTHERN RAILWAY COMPANY  
OF INTENT TO PARTICIPATE IN THE ORAL HEARING**

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**Attorneys for The Kansas City Southern  
Railway Company**

**Dated: June 10, 2011**

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Pursuant to the procedures set forth in the Notice served on January 11, 2011 and the Decision served on February 4, 2011 in this proceeding, The Kansas City Southern Railway Company ("KCS") hereby notifies the Board of its intent to participate in the oral hearing scheduled for June 22<sup>nd</sup> in the above captioned proceeding. KCS requests 25 minutes and will present its views through the testimony of two witnesses. The witnesses and the topics they will address are identified below.

**Michael R. Haverty** – Mr. Haverty is the Executive Chairman of KCS and will address the following topics:

- His personal experience with the rail industry prior to the Staggers Act and how the Staggers Act, as implemented by the Interstate Commerce Commission ("ICC") and the Surface Transportation Board ("STB"), has significantly benefitted shippers and the railroads.
- A brief history of the development of today's KCS.
- The unique role played by KCS in today's marketplace as both a competitor to the large Class I carriers and an interline partner for the majority of its traffic.
- How the reversal of the bottleneck and Midtec precedents could have the unintended consequence of actually harming competitors like KCS and eventually reducing competition.

**David M. Konschnik** – Mr. Konschnik is a former Chief of Staff to the Chairman of the ICC and the former Director of the Office of Proceedings for the STB. He will address the following topics:

- His personal experience as a senior governmental official before, during, and after implementation of the Staggers Act.
- His general thoughts regarding the comments filed in this proceeding.
- His experience and opinion regarding the numerous changes to STB procedures adopted by the STB to address the concerns of the shippers, and why those changes should be given time to prove themselves rather than the Board attempting to make wholesale changes to its rate and competitive access precedents.

Respectfully submitted,



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