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VIA E-FILING

September 30, 2015

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20423

ENTERED  
Office of Proceedings  
September 30, 2015  
Part of  
Public Record

Re: STB Finance Docket No. 35743, *Application of the National Railroad Passenger Corporation under 49 U.S.C. 24308(a) - Canadian National Railway Company*

Dear Ms. Brown:

Enclosed for filing in the above-referenced docket please find the Motion of the National Railroad Passenger Corporation for Extension of Procedural Schedule.

Sincerely,

A handwritten signature in cursive script that reads 'Linda J. Morgan'.

Linda J. Morgan  
Counsel, National Passenger Railroad  
Corporation

cc: David A. Hirsch

**EXPEDITED CONSIDERATION REQUESTED**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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FINANCE DOCKET NO. 35743

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

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**MOTION OF THE NATIONAL RAILROAD PASSENGER  
CORPORATION FOR EXTENSION OF PROCEDURAL SCHEDULE**

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Washington, DC 20002

Dated: September 30, 2015

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**MOTION OF THE NATIONAL RAILROAD PASSENGER  
CORPORATION FOR EXTENSION OF PROCEDURAL SCHEDULE**

Pursuant to 49 C.F.R. § 1104.7(b), the National Railroad Passenger Corporation (“Amtrak”) respectfully requests that the Board, (1) extend the deadline for rebuttal submissions in this proceeding from October 9, 2015 to December 14, 2015 and (2) make conforming extensions for the later-filed briefs.

By an order served July 14, 2015, the Board set the following procedural schedule:

September 4, 2015	Opening submissions by both parties
October 9, 2015	Rebuttal submissions by both parties
November 13, 2015	Opening briefs of both parties
December 4, 2015	Reply briefs of both parties

On September 4, 2015, Grand Trunk Western Railroad Company and Illinois Central Railroad Company (collectively referred to herein as “CN”) and Amtrak filed their opening submissions.

Generally speaking, Amtrak seeks a delay-based quality payment and penalty system and the continuation of base compensation in accordance with the current operating agreement. In its opening submission, Amtrak submitted an Opening

Statement, two verified statements totaling 177 pages (including the factual exhibits) and operating agreements (current, proposed and redlined) totaling 540 pages.<sup>1</sup>

Generally speaking, CN seeks changes in the way performance payments and penalties are measured and additions to the base compensation Amtrak pays for certain delay and interference costs CN says are caused by Amtrak. In its opening submission, CN submitted 10 verified statements that total, with exhibits, 1,693 pages.

Pursuant to 49 C.F.R. § 1104.7(b), Amtrak hereby respectfully requests that the Board extend the current due date for the submission of Rebuttal submissions and make the following conforming extensions to the procedural schedule:

December 14, 2015	Rebuttal submissions by both parties
January 18, 2016	Opening briefs of both parties
February 8, 2016	Reply briefs of both parties

Good cause exists to grant Amtrak's motion. *E.g., Arkansas Electric Cooperative Corporation – Petition for Declaratory Order*, STB Finance Docket 35306 (Served May 11, 2010). CN has filed voluminous evidence to support, among other things, its assertion of entitlement to base compensation for delay and interference costs it says are caused by Amtrak. Amtrak needs additional time to review CN's evidence. In addition, Amtrak has determined that it needs to seek discovery from CN regarding several aspects of CN's evidence.<sup>2</sup>

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<sup>1</sup> The Verified Statement of Paul Vilter includes a copy of the current agreement and Amtrak's proposed agreement redlined against the current agreement. A clean copy of the proposed agreement was a separate exhibit.

<sup>2</sup> Amtrak intends to serve written discovery on CN on or soon after October 5, 2015.

Amtrak requests expedited consideration of this Motion. Beginning on September 8, 2015, just four days after the opening submissions, and continuing until today, Amtrak counsel and CN counsel conferred confidentially regarding Amtrak's desire for an extension to conduct rebuttal discovery and to have more time to review CN's evidence. As of today, the parties concluded they could not reach an agreement regarding rebuttal discovery and an extension. Amtrak has advised CN counsel that it would be filing this Motion.

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Respectfully submitted,

By: Linda J. Morgan

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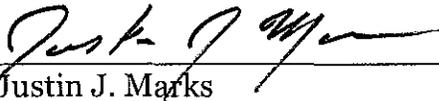
*Counsel for National Railroad Passenger Corporation*

William H. Herrmann  
Christine E. Lanzon  
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60 Massachusetts Avenue, NE  
Washington, DC 20002

Dated: September 30, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2015, I served a copy of the foregoing upon Canadian National Railway Company and the other parties on the service list in Finance Docket No. 35743.



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Justin J. Marks

*Counsel for National Railroad Passenger Corporation*