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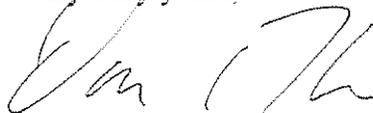
Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0012

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:

Enclosed for filing in the above-referenced docket please find the Statement of Illinois Central Railroad Company and Grand Trunk Western Railroad Company Identifying Disputed Issues.

Very truly yours,



David A. Hirsh

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

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

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 35743

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

**STATEMENT OF ILLINOIS CENTRAL RAILROAD COMPANY AND
GRAND TRUNK WESTERN RAILROAD COMPANY
IDENTIFYING DISPUTED ISSUES**

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

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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 35743

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

**STATEMENT OF ILLINOIS CENTRAL RAILROAD COMPANY AND
GRAND TRUNK WESTERN RAILROAD COMPANY
IDENTIFYING DISPUTED ISSUES**

By its decision served August 9, 2013, the Board initiated this proceeding to set terms and compensation under which facilities of Illinois Central Railroad Company and Grand Trunk Western Railroad Company (collectively, “CN”)¹ shall be made available, and services by CN provided, to National Railroad Passenger Corporation (“Amtrak”). By stamp order dated August 21, 2013, the Board approved the procedural schedule proposed by Amtrak and CN, which called for submission by October 21, 2013, of a joint statement by Amtrak and CN identifying the disputed issues.

After issuance of that order, the parties continued to negotiate regarding possible changes to their Operating Agreement, but they failed to resolve their issues.² In addition, the parties have discussed but have been unable to agree on a joint statement of those issues. Accordingly,

¹ By letter to the Board dated August 2, 2013, Amtrak’s counsel acknowledged that, although the caption of this proceeding refers to Canadian National Railway Company, the only appropriate respondents are Illinois Central Railroad Company and Grand Trunk Western Railroad Company.

² In accordance with the Board’s order served in this proceeding on August 9, 2013, CN is making the facilities and services necessary for Amtrak to continue to operate on CN’s rail lines available to Amtrak under the terms and compensation of the Operating Agreement between Amtrak and CN dated May 1, 2011, which by its terms expired on August 11, 2013. As used herein, “Operating Agreement” refers to that agreement, including as it may be revised by agreement of the parties or order of the Board.

in order to comply with the Board's order as best it can, CN hereby submits, on its sole behalf, this statement of the issues it has identified as in dispute between the parties:³

1. Whether CN should receive compensation for (a) the incremental costs of delays to its trains incurred due to Amtrak's use of its lines; or, in the alternative, (b) the costs of any infrastructure improvements necessary to avoid such costs.

2. Whether the provisions of the Operating Agreement relating to performance payments and penalties, including the formulation and administration thereof, should be modified, and, if so, how.

3. 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.

Respectfully submitted,



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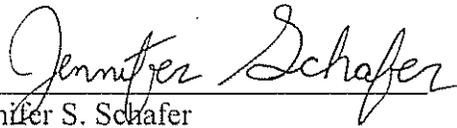
³ CN understands that Amtrak will be submitting its own separate statement of issues. CN reserves the right to challenge issues listed by Amtrak and seek the Board's determination that they are beyond the scope of this proceeding, not in dispute, overbroad, unreasonably vague, and/or otherwise objectionable or insufficient.

CERTIFICATE OF SERVICE

I certify that I have this 24th day of October, 2013, caused a true copy of the foregoing Statement of Illinois Central Railroad Company and Grand Trunk Western Railroad Company Identifying Disputed Issues, to be served by e-mail upon:

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