



WRITER'S E-MAIL  
kjd@sloverandloftus.com

**SLOVER & LOFTUS**  
ATTORNEYS AT LAW  
1224 SEVENTEENTH STREET, N W  
WASHINGTON, D C 20036-3008

WILLIAM L. SLOVER  
C. MICHAEL LOFTUS  
JOHN H. LE SEUR  
KELVIN J. DOWD  
ROBERT D. ROSENBERG  
CHRISTOPHER A. MILLS  
FRANK J. PERCOLIZZI  
ANDREW B. KOJESAR III  
PETER A. PFOHL  
DANIEL M. JAFFE  
STEPHANIE P. LYONS  
JOSHUA M. HOFFMAN

OF COUNSEL  
DONALD G. AVERY

March 26, 2008

**VIA HAND DELIVERY**

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, D C 20423-0001

221931

Re STB Finance Docket No 35087, Canadian National Railway Company, et al – Control – EJ&E West Company

Dear Ms Quinlan:

On behalf of Wisconsin Public Service Corporation (“WPSC”), this responds to the letter filed on March 24, 2008 by Union Pacific Railroad Company (“UP”) in the referenced docket, which is directed at WPSC’s Response to Opening Comments

UP’s letter was filed out of time, and without regard to the Board’s procedural schedule governing the orderly submission of comments by parties. On that basis alone, it should be disregarded. It is also immaterial to the legitimate service issues that WPSC has raised.

WPSC’s Response did not misquote or mischaracterize UP’s comments or those submitted by any other party. Each reference is supported by a specific record citation, and all points raised by WPSC relate directly to issues arising from the proposed transaction. Historically aside, UP’s letter neither addresses nor resolves WPSC’s stated concerns over the Applicants’ operational ability to handle planned increases in traffic without commensurate infrastructure.

and operating upgrades WPSC's service concerns are well documented, and supported in its Comments and Response to Comments.<sup>1</sup>

Inexplicably, UP appears to question the rights of interested parties to participate in this proceeding and address the impacts of the subject transaction on essential rail service. WPSC has presented legitimate, well-documented concerns, and has demonstrated that the Board has a specific legal obligation to offer protection against a diminution in railroad service quality as a result of the proposed transaction.<sup>2</sup> As a shipper directly affected by the Applicant's plans, WPSC is entitled to fair consideration of these concerns

Respectfully submitted



Kelvin J Dowd  
An Attorney for  
Wisconsin Public Service Corporation

cc: Parties of Record

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<sup>1</sup> UP's own March 13, 2008 Reply to Northeast Illinois Regional Railroad Authority, et al (METRA) highlights some of the same operating and infrastructure challenges on the EJ&E and surrounding Chicago area rail lines that have been raised by WPSC.

<sup>2</sup> The U S. Department of Transportation agrees, and is supporting WPSC's request for targeted ameliorative conditions as consistent with prior merger conditions imposed by the Board (See DOT Comments at 10-12).