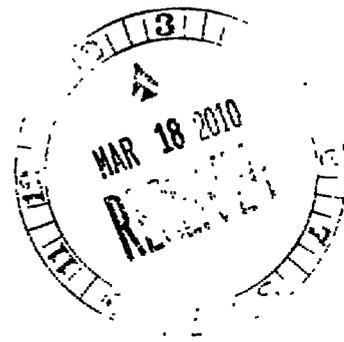


**WEINER  
BRODSKY  
SIDMAN  
KIDER PC**

226655

March 18, 2010



**BY HAND**

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

**ENTERED  
Office of Proceedings**

MAR 18 2010

**Part of  
Public Record**

RE: STB Finance Docket NOR 42117, Cargill, Inc. et al. v. Aberdeen & Rockfish Railroad Co., et al.

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are an original and ten copies of Montana Rail Link, Inc.'s Reply to Petition for Mediation.

Please acknowledge receipt of this filing by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Sincerely,

Rose-Michele Nardi

Enclosures

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
CARGILL, INC., *et al.*,

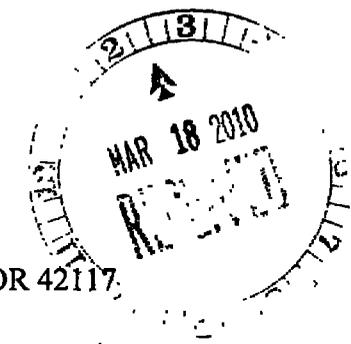
Complainants

v.

ABERDEEN & ROCKFISH RAILROAD  
COMPANY, *et al.*,

Defendants  
\_\_\_\_\_

Docket No. NOR 42117.



ENTERED  
Office of Proceedings

MAR 18 2010

Part of  
Public Record

**MONTANA RAIL LINK INC.'S REPLY TO  
PETITION FOR MEDIATION**

Montana Rail Link, Inc. ("MRL") hereby replies to Complainants' Petition for Mediation filed in the above-referenced proceeding on January 29, 2010 (the "Petition"). The Complainants' Petition is related to the Complaint filed by Complainants in this proceeding on January 29, 2010, as amended on February 17, 2010 (the "Complaint"). MRL does not oppose Complainants' request for mediation, as described in its Petition, subject to the conditions set forth below.

*First*, MRL's agreement to mediate this dispute is subject to the conditions outlined by the AAR Defendants<sup>1</sup> in their Reply, filed in this proceeding on February 24, 2010. These conditions are: (1) the mediation is non-binding; (2) the mediation is private, confidential and subject to an appropriate protective order; (3) during the mediation, the complaint proceeding is held in abeyance; and (4) when requested by the mediator, persons with authority to bind parties

<sup>1</sup> The AAR Defendants are: Association of American Railroads; Railinc, Corp.; BNSF Railway Co.; Buffalo & Pittsburgh Railroad, Inc.; Canadian National Railway Co.; Canadian Pacific Railway Co.; CSX Transportation, Inc.; Gary Railway Co.; Norfolk Southern Railway Co.; Rochester & Southern Railroad, Inc.; The Kansas City Southern Railway Co.; and Union Pacific Railroad Co.

should be present. *Second*, MRL's consent to this mediation is subject to the additional condition that, absent a settlement or stipulation agreed to by MRL in connection with the mediation, the mediation will not limit or restrict, in any manner, MRL's ability to exercise fully all of the rights and defenses that would have been available to it if no mediation had occurred. *Third*, MRL's consent to this mediation is subject to the additional condition that, if some but not all of the defendants in this proceeding enter into a settlement agreement in connection with the mediation, the terms of such settlement will have no precedential or evidentiary effect in subsequent proceedings in this docket (absent any agreement to the contrary by MRL).

Respectfully submitted,



Mark H. Sidman  
Rose-Michele Nardi  
Weiner Brodsky Sidman Kider PC  
1300 19<sup>th</sup> Street, NW  
Fifth Floor  
Washington, DC 20036  
(202) 628-2000

Attorneys for Montana Rail Link, Inc.

Date: March 18, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing filing by Montana Rail Link, Inc. in STB Docket No. NOR 42117, is being served on March 18, 2010, by first-class mail, postage pre-paid, on the following:

<p>Garland Horton President Aberdeen and Rockfish Railroad Co. P.O. Box 917 Aberdeen, NC 28315</p>	<p>R.B. Culliford Senior Vice President and General Counsel 1700 Iron Horse Park No. Billerica, MA 01862-1692 <i>Boston and Maine Corporation</i> <i>Maine Central Railroad Co.</i> <i>Pan Am Railways</i> <i>Portland Terminal Co.</i> <i>Springfield Terminal Railway Co.</i></p>
<p>David Collins 1200-C Scottsville Road Suite 200 Rochester, NY 14624 <i>For Buffalo and Pittsburg Railroad Inc.</i> <i>Rochester and Southern Railroad, Inc.</i></p>	<p>Allison M. Fergus General Counsel and Secretary Buffalo and Pittsburgh Railroad Inc. c/o Genesee &amp; Wyoming Inc. 66 Field Point Road Greenwich, CT 06830</p>
<p>Sean Finn Executive Vice President Corporate Services, and Chief Legal Officer Canadian National Railway 935 de La Gauchetiere St. West, Montreal, QC H3B 2M9</p>	<p>Joe McGovern Chief Operating Officer Cedar Rapids and Iowa City Railway Company 2330 12<sup>th</sup> Street SW Cedar Rapids, IA 52404</p>
<p>Kevin Burke Vice President and General Manager Cedar Rapids and Iowa City Railway Company 2330 12<sup>th</sup> Street SW Cedar Rapids, IA 52404</p>	<p>Nicholas B. Temple President Central Washington Railroad Company 111 University Parkway, Ste. 200 Yakima, WA 98901</p>

<p>Elgin, Joliet and Eastern Railway Company  c/o Sean Finn  Executive Vice President  Corporate Services, and Chief Legal Officer  Canadian National Railway  935 de La Gauchetiere St.  West, Montreal, QC H3B 2M9</p>	<p>Gary Railway Company  c/o Thomas Kelly  President  Transtar Inc.  1200 Pennsylvania Avenue  Suite 300  Pittsburgh, PA 15222</p>
<p>James H. Danzl  General Manager Marketing  Gary Railway Company  One North Buchanan Street  Gary, Indiana 46402</p>	<p>Indiana &amp; Ohio Railway Company  c/o Scott Williams, Senior Vice President and  General Counsel  Rail America Inc.  7411 Fullerton St.  Suite 300  Jacksonville, FL 32256</p>
<p>Ryan Ratledge  General Manager  Indiana Ohio &amp; Railway Company  2856 Cypress Way  Cincinnati, OH 45212</p>	<p>Iowa, Chicago &amp; Eastern Railroad Corporation  c/o Vern G. Graham  President  Dakota, Minnesota, and Eastern Railroad  Corporation  140 N. Philips Ave.  Sioux Falls, SD 57104</p>
<p>Daniel R. Sabin  President  Iowa Northern Railway  122 North 2<sup>nd</sup> Street  P.O. Box 640  Greene, IA 50636</p>	<p>William Wochner  Senior Vice President and Chief Legal Officer  Kansas City Southern Railway Company  427 West 12<sup>th</sup> Street  Kansas City, MO 64121-9335</p>
<p>Mike Hemmer  Senior Vice President- Law and General  Counsel  Union Pacific Railroad Company  Stop 1580  1400 Douglas Street  Omaha, NE 68179</p>	<p>Nathan Fenno  President  New York, Susquehanna and Western Railway  Corp.  One Railroad Avenue  Cooperstown, NY 13326</p>
<p>Hugh M. Tarbutton  President  Sandersville Railroad Company  P.O. Box 269  Sandersville, GA 31082</p>	<p>Louis P. Warchot  Senior Vice President Law &amp; General Counsel  Association of American Railroads  50 F Street, NW  Washington, DC 20001</p>

<p>E. Allen West  President and Chief Executive Officer  Railinc  Highwoods Centre at Weston  7001 Weston Parkway, Suite 200  Cary, NC 27513</p>	<p>James A. Hixon  Executive Vice President – Law and Corporate  Relations  Norfolk Southern Railway Company  Three Commercial Place  Norfolk, VA 23510-2191</p>
<p>Cindy Sanborn  President  Baltimore and Ohio Chicago Terminal  Railroad Company  c/o CSX Transportation Inc.  500 Water Street  Jacksonville, FL 32202</p>	<p>Roger Nober  Executive Vice President Law &amp; Secretary  BNSF Railway Company  2650 Lou Menk Drive  P.O. Box 961057  Fort Worth, TX 76161-0057</p>
<p>James H. Gallegos  Vice President and General Counsel  BNSF Railway Company  2650 Lou Menk Drive  P.O. Box 961057  Fort Worth, TX 76161-0057</p>	<p>Paul Guthrie  Vice President Law  Canadian Pacific Railway  Suite 500 Gulf Canada Square  401 9<sup>th</sup> Avenue SW  Calgary, AB T2P 4Z4</p>
<p>E.M. Fitzsimmons, Sr.  Vice President Law, General Counsel &amp;  Corporate Secretary  CSX Transportation Inc.  500 Water Street  Jacksonville, FL 32202  <i>CSX Transportation and Baltimore and Ohio  Chicago Terminal Railroad Company</i></p>	<p>Jeffrey O. Moreno  Nicholas J. DiMichael  Thompson Hine LLP  1920 N Street, NW, Suite 800  Washington, DC 20036-1600  <i>Cargill Inc., E.I. du Pont de Nemours and  Company, ExxonMobile Corporation, Jones-  Hamilton Co., PPG Industries Inc., Reagent  Chemical and Research, Inc., and Taminco  Methylamines, Inc.</i></p>
<p>Michael L. Rosenthal  Covington &amp; Burling LLP  1201 Pennsylvania Avenue, NW  Washington, DC 20004-2401  <i>Association of American Railroad and Railinc,  Corp.</i></p>	<p>Robert Von Eigen  Foley &amp; Lardner LLP  3000 K Street, NW  Sixth Floor  Washington, DC 20007-5709  <i>Cedar Rapids and Iowa City Railway Co.</i></p>



Rose-Michele Nardi