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Before the
SURFACE TRANSPORTATION BOARD

Finance Docket No. 35087

232609

CANADIAN NATIONAL RAILWAY COMPANY AND GRAND TRUNK
CORPORATION – CONTROL – E J & E WEST COMPANY

MOTION SEEKING PARTIAL WAIVER OF SERVICE;
CREATION OF SUB-DOCKET;
AND NOTICE OF SUBSTITUTION OF COUNSEL

Comes now, the Village of Barrington, IL (“Barrington”), by and through its undersigned counsel, and files this Motion Seeking Partial Waiver of Service and creation of sub-docket. On this date, Barrington has simultaneously filed its *Petition Seeking Imposition Of Additional Mitigation Pursuant To The Board’s Oversight Jurisdiction And Reopening Pursuant To Governing Regulations* (“*Petition*”). As reflected by the Certificate of Service, copies of the *Petition* have been hand-delivered on Paul Cunningham, counsel of record for the Canadian National Railway Company and Grand Trunk Corporation (“CN”).

In seeking a partial waiver of service, Barrington notes that the initial service list, which was compiled during the course of the acquisition proceeding, is now obsolete and would require service on several hundred individuals who have no continuing interest in this proceeding, especially when the relief sought on reopening applies only to Barrington. Simply stated, the cost of reproducing hard copies of lengthy documents as well as postage for a

service list of 1132 persons would impose a wasteful financial burden on Barrington, CN and any other person who may choose to file responses or other documents in the future, especially when most parties on the service list have no real, continuing interest in the proceeding. 232609

Those parties whose interests have been addressed by the Board's decisions approving CN's acquisition of EJ&E, or are located in communities that have already reached settlement agreements with CN, will have no interest in the relief being requested by Barrington. In any event, parties that may have a passing interest will be able to access the Barrington *Petition* electronically from either the Board's website or from the closely-followed website that has been established by the TRAC coalition to monitor the Transaction both pre-acquisition as well as during this oversight period.

Barrington submits that service of this Motion will satisfy the notice requirements and will alert those persons who may have a continued interest to the *Petition* and provide them with the opportunity to request service of a hard copy of the *Petition*. Barrington hereby agrees to serve a hard copy of the *Petition* on any person who requests service thereof. Should the Board agree with this approach, it should order that requests for hard copies of the *Petition* be directed to Ms. Melanie Marcordes at mmarcordes@barrington-il.gov or by mail at 200 S. Hough Street, Barrington, IL 60010. Upon receipt of such requests, Barrington will forward them to the Board so that the Board can compile a current service list to replace the obsolete version of that list.

Should the Board deny this request, Barrington will serve true copies on all parties. In order to facilitate the production of copies, Barrington requests leave to serve all parties within five (5) business days of service of the Board's decision. 232609

Barrington respectfully suggests that it may be most efficient for the Board to open a new sub-docket for oversight proceedings. This would permit all persons who may be interested with the opportunity to intervene as parties of record in that new proceeding.

Last, please modify the Board's records to reflect the entry of Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016, as sole Counsel of Record for Barrington. Counsel's telephone number is 202-363-2011. Fax number is 202-363-4899. If you have any questions, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R H Streeter', with a stylized flourish at the end.

Richard H. Streeter
Counsel for the Village of Barrington, IL

Dated: October 14, 2011

CERTIFICATE OF SERVICE

I, Richard H. Streeter, do hereby certify that on this the 14th of October, 2001,

I served, by hand delivery, a true copy of the "Motion Seeking Partial Waiver of Service; Creation of Sub-Docket; and Notice of Substitution of Counsel," as well as a copy of "Petition Seeking Imposition of Additional Mitigation Pursuant to the Board's Oversight Jurisdiction and Reopening Pursuant to Governing Regulations" and Attachments thereto, on the following individuals:

Paul A. Cunningham, Esq.
David A. Hirsch, Esq.
Simon A. Steel, Esq.
Harkins Cunningham LLP
1700 K Street, N.W. Suite 400
Washington, D.C. 20006-3804

A handwritten signature in black ink, appearing to read "R.H. Streeter", written over a horizontal line.

Richard H. Streeter