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CF INDUSTRIES SALES, LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. NOR 42151
	)	242542
CANADIAN NATIONAL RAILWAY	)	ENTERED
COMPANY	)	Office of Proceedings
	)	January 30, 2017
Defendant.	)	Part of
	)	Public Record

Pursuant to 49 C.F.R. § 1109.2, Complainant CF Industries Sales, LLC (“CF”) and Defendant Canadian National Railway Company (“CN”) file this joint motion requesting the Surface Transportation Board (“Board”) to commence Board-sponsored, voluntary mediation in the above-captioned proceeding. In support hereof, the parties state as follows:

1. On January 4, 2017, CF filed its Complaint in this proceeding under 49 U.S.C. §§ 10702, 10704, and 11701, seeking injunctive relief and a determination from the Board that certain common carrier tariffs and rules issued by CN are unreasonable. On January 24, 2017, CN filed its Answer to the Complaint.
2. After initial discussions, the parties have agreed to request Board-sponsored mediation under the Board's rules at 49 C.F.R. Pt. 1109 in an effort to resolve the issues that are the subject of the Complaint.
3. This proceeding involves matters that are eligible for Board sponsored mediation under 49 C.F.R. § 1109.1.

4. Under 49 C.F.R. § 1109.3(e), “[w]here one or both parties to mediation do not voluntarily consent to mediation, the Board will not hold the underlying proceeding in abeyance.” CF does not believe the proceeding should be held in abeyance at this time pending the conclusion of mediation, and it would not voluntarily consent to mediation if the proceeding could be held in abeyance over CF’s objections. CF is, however, agreeable to revisiting this matter at a later time, if and as warranted.

5. The parties request that the Board appoint a staff member(s) as the mediator, and will make appropriate corporate representatives available for such mediation at times mutually convenient to the Board and the parties.

WHEREFORE, CF and CN jointly request that the Board commence Board-sponsored, voluntary mediation under the parameters set forth above.

Respectfully submitted,

CF INDUSTRIES SALES, LLC

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Dated: January 30, 2017

CANADIAN NATIONAL RAILWAY
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Counsel for Defendant
Canadian National Railway Company

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of January, 2017, caused a copy of the foregoing filing to be served by U.S. Mail, postage prepaid or by more expedited means upon all counsel of record.

/s/ Katherine F. Waring
Katherine F. Waring
An Attorney for Complainant