

SERVICE DATE – JUNE 8, 2017

SURFACE TRANSPORTATION BOARD

ORDER OF PRESIDING ADMINISTRATIVE LAW JUDGE GRANTING MOTION FOR
WITHDRAWAL OF MOTION TO COMPEL

Docket No. FD 35743

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

Decided: June 7, 2017

On December 12, 2016, pursuant to 49 C.F.R. § 1114.31(a), Grand Trunk Railway Company and Illinois Central Railway Company (collectively, CN) filed a Motion to Compel the National Railroad Passenger Corporation (Amtrak) to provide a complete response to CN's Interrogatory No. 8 in CN's Second Set of Discovery Requests (Motion to Compel). On December 19, 2016, Amtrak filed a reply in opposition to CN's Motion to Compel. On January 4, 2017, I issued an order scheduling an Oral Argument on CN's Motion to Compel for January 23, 2017.

On January 19, 2017, CN and Amtrak (collectively, Joint Parties) jointly requested to the Board, with my approval, suspension of the Oral Argument on CN's Motion to Compel, because the Joint Parties were engaged in discussions aimed at resolving the discovery dispute.

On May 19, 2017, CN filed a Motion for Withdrawal of CN's Motion to Compel (Motion for Withdrawal). In its Motion for Withdrawal, CN states that Amtrak and it have arrived at a negotiated agreement resolving the issues raised in CN's Motion to Compel.

The Board has signed a Memorandum of Understanding with the Federal Energy Regulatory Commission (FERC) to employ the services of FERC administrative law judges (ALJs) on a case-by-case basis to perform discrete, Board-assigned functions such as adjudicating discovery disputes between parties in cases pending before the Board.

It is ordered:

1. CN's Motion for Withdrawal of its Motion to Compel is hereby approved.
2. This decision is effective on its service date.

By the Board, John P. Dring, Administrative Law Judge.