

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 35743

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

**JOINT REQUEST FOR
MODIFICATION OF PROCEDURAL SCHEDULE**

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46072</u>
	DECIDED DATE: <u>10-10-17</u>
	SERVICE DATE: <u>10-11-17</u>
	APPROVED: <u>[Signature]</u> Acting Director
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October 4, 2017

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In its decision served August 29, 2017 (“August 29 Order”), the Board adopted a revised procedural schedule for rebuttal submissions, opening briefs, and reply briefs in this proceeding. Pursuant to that schedule, on September 14, 2017, the parties each filed their rebuttal submissions.

Based on the parties’ review of those submissions, they have determined that it would be appropriate to modify the current schedule to allow each party to file limited surrebuttal by October 30, 2017, with opening and reply briefs to follow on the dates specified below. CN’s surrebuttal would be limited to additional evidence responsive to Amtrak’s proposed amendments to Appendix V of the Operating Agreement, as discussed in Section IV of the Rebuttal Joint Verified Statement of Paul Vilter and Jason Maga, and as reflected in Exhibit 28 to that statement, including related exhibits and supporting material. Amtrak’s surrebuttal would be limited to additional evidence responsive to the Train Performance Calculator runs and the schedule adjustment proposal discussed in Section I of the Rebuttal Verified Statement of Harald Krueger, and to the capacity “bubble” analysis discussed in Section II of that statement, including related exhibits and supporting material. In addition, each party would be permitted to

file further proposed operating agreement language with its surrebuttal, but not thereafter absent further order of the Board.

In order to accommodate the above limited surrebuttal, the parties hereby jointly request that the Board modify the existing procedural schedule to provide that filings shall be due on the following dates:

October 30, 2017	Limited surrebuttal submissions by both parties (as described herein);
December 14, 2017	Opening briefs of both parties;
January 11, 2017 2018	Reply briefs of both parties.

This proposal is without prejudice to the rights of either or both parties to seek future modifications to the procedural schedule should circumstances warrant.

Respectfully submitted,

National Railroad Passenger Corporation

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CERTIFICATE OF SERVICE

I certify that I have this 4th day of October, 2017, caused a true copy of the foregoing Joint Request for Modification of Procedural Schedule to be served upon all known parties of record in this proceeding by first-class mail or a more expeditious method.



Spencer R. Leroux