

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 CERTIFICATION AND REQUEST FOR
MODIFICATION OF PROCEDURAL SCHEDULE**

 GRANTED Office of Proceedings	DECISION ID NO.: <u>45901</u>
	DECIDED DATE: <u>6/28/17</u>
	SERVICE DATE: <u>06/29/2017</u>
	APPROVED: <u>Rachel O. Campbell</u> Director
	☐

Kevin M. Sheys
Reed W. Neuman
NOSSAMAN LLP
1666 K Street, N.W., Suite 500
Washington, D.C. 20006
(202) 887-1400

*Counsel for National Railroad Passenger
Corporation*

David A. Hirsh
Simon A. Steel
HARKINS CUNNINGHAM LLP
1700 K Street, N.W., Suite 400
Washington, D.C. 20006-3804
(202) 973-7600

*Counsel for Grand Trunk Western Railroad
Company and Illinois Central Railroad
Company*

June 20, 2017

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 CERTIFICATION AND REQUEST FOR
MODIFICATION OF PROCEDURAL SCHEDULE**

In its decision served December 9, 2016, (“December 9 Order”) granting the parties’ Joint Request for Modification of Procedural Schedule, the Board directed the parties to submit a joint certification to the Board upon their completion of responses to the parties’ second sets of discovery requests, and set the due dates for rebuttal submissions, opening briefs, and reply briefs in this proceeding at 60, 95, and 116 days, respectively, following that joint certification.

The parties have completed discovery in response to the second sets of discovery requests, and they hereby jointly certify that fact to the Board. However, in order to accommodate depositions, which are scheduled to continue through July 7, as well as holidays and pre-scheduled travel plans, the parties have determined that minor modifications of the procedural schedule would be appropriate. Accordingly, they hereby jointly propose and request that the Board modify the existing procedural schedule to provide that filings shall be due on the following dates:

August 31, 2017	Rebuttal submissions by both parties;
October 13, 2017	Opening briefs of both parties;
November 3, 2017	Reply briefs of both parties.

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

Respectfully submitted,

National Railroad Passenger Corporation

/s/ Kevin M. Sheys
Reed W. Neuman
NOSSAMAN LLP
1666 K Street, N.W., Suite 500
Washington, D.C. 20006
(202) 887-1400

Counsel for National Railroad Passenger Corporation

*Grand Trunk Western Railroad Company
and Illinois Central Railroad Company*

/s/ David A. Hirsh
Simon A. Steel
HARKINS CUNNINGHAM LLP
1700 K Street, N.W., Suite 400
Washington, D.C. 20006-3804
(202) 973-7600

Counsel for Grand Trunk Western Railroad Company and Illinois Central Railroad Company

June 20, 2017