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January 7, 2008

Re: Canadian National Railway Corporation and
Grand Trunk Corporation--Control
--EJ&E West Company
STB Finance Docket No. 35087

Daniel R. Elliott, III, Esq.
Associate General Counsel
United Transportation Union
14600 Detroit Avenue
Cleveland, OH 44107-4250

BY FEDERAL EXPRESS

Dear Mr. Elliott:

We represent Elgin, Joliet & Eastern Railway Company ("EJ&E") and EJ&E West Company ("EJ&EW").

We have been served with UTU's discovery requests in connection with the control application at the above docket number which are simultaneously directed to the applicants, Canadian National Railway Company ("CN") and Grand Trunk Corporation ("GTC").

It is the position of EJ&E and EJ&EW that they are not parties to the above proceeding and therefore are not required to respond to the discovery requests. We note that the applicants have filed responses/objections to the UTU's discovery requests and in footnote 1 thereof have made the distinction that we are raising here, i.e., that CN and GTW are the applicants in the above proceeding and that EJ&E and EJ&EW are not applicants.

The regulations promulgated by the Board succinctly define a "party" as follows:

Surface Transportation Board
CN-EJ&E EIS - FD-35087
Log and Distribution
Date Rec'd: _____
HDR File No: _____

Scanned (Initial): _____
FACTS: _____
Original - Job File

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Party means a complainant, defendant, applicant, respondent, protestant, intervener, or petitioner in any proceeding, or other persons permitted or directed by the Board to participate in a proceeding....

49 C.F.R. §1101.2(d)

Neither EJ&E or EJ&EW are included within the aforesaid definition and therefore cannot be considered parties to the proceeding.

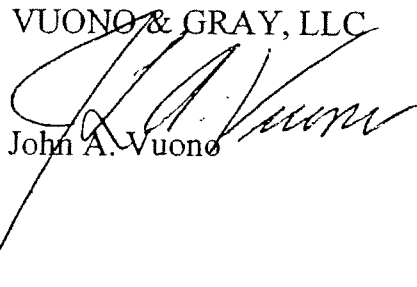
The relevant discovery regulations are clearly applicable only to parties, as defined above, and an entity which is not a party to a Board proceeding is not required to respond to discovery requests. *See* 49 C.F.R. §1114.26 (Written Interrogatories to Parties); §1114.27 (Request for Admission); and 1114.30 (Production of Documents, etc.).

As noted, the applicants have submitted responses/objections to the UTU's request for production. In the unlikely event that EJ&E and EJ&EW are determined to be parties to the above proceeding and, as a result, are required to respond to the UTU's discovery requests, EJ&E and EJ&EW hereby incorporate by reference and adopt the applicants' responses/objections to the discovery requests.

As the UTU is aware, EJ&E has had a long history of cooperating with the UTU in advancing their mutual interests. Notwithstanding the legal position taken by EJ&E and EJ&EW herein, they stand willing to cooperate with UTU, as they have done in the past, in a reasonable manner.

Sincerely yours,

VUONO & GRAY, LLC


John A. Vuono

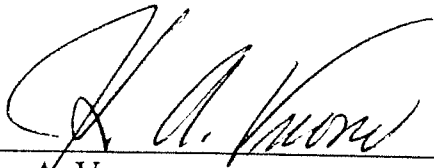
CW/59292

cc: Known Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing response of EJ&E and EJ&EW to the UTU's discovery requests by causing a copy to be sent by first class mail, postage prepaid, or by a more expeditious method of delivery, to all known parties of record.

Signed this 8th day of January, 2008.



John A. Vuono