

GLT-20

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August 13, 2001

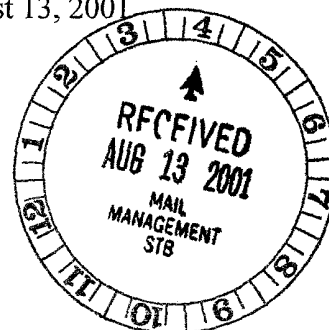
BY HAND

The Honorable Vernon A. Williams
 Secretary
 Surface Transportation Board
 Case Control Unit
 1925 K Street, N.W.
 Washington, D.C. 20423-0001

ENTERED
 Office of the Secretary

AUG 14 2001

Part of
 Public Record



Re: Canadian National Railway Company, Grand Trunk Corporation and WC Merger Sub, Inc. – Control – Wisconsin Central Transportation Corporation, Wisconsin Central Ltd., Fox Valley & Western Ltd., Sault Ste. Marie Bridge Company, and Wisconsin Chicago Link, Finance Docket No. 34000

Dear Secretary Williams:

On behalf of Great Lakes Transportation LLC (“GLT”), we write to oppose AK Steel Corporation’s (“AK’s”) Motion to Strike (AKS-11), filed on August 7, 2001.¹

The Board should not strike GLT’s letter of July 31, 2001 (GLT-19). As we explained in seeking leave to submit the July 31 letter (*see* GLT-19 at 1 n.1), GLT had had no opportunity to respond to arguments made by AK Steel and other parties – principally U.S. Steel – that were based on misunderstandings of the terms of GLT’s Settlement with Canadian National.² In order for the Board to act on a full record in its consideration of the

¹ AK Steel served its pleading via regular mail. GLT’s in-house counsel received the paper on August 9, and GLT’s outside counsel received it on August 11.

² Contrary to AK Steel’s assertion, its very brief July 20 Petition for an Extension of Time (AKS-9/EVT-3) did not explain the nature of its substantive objections to the Settlement. In fact, AK Steel’s July 25 Reply Comments included points not even hinted at in its July 20 extension paper. *Compare* AKS-10 at 4-12 with AKS-9/EVT-3 at 2 n.1. Moreover, even if AK Steel had laid out its objections to the Settlement on July 20, GLT could not have anticipated other issues raised by U.S. Steel in its July 25 Reply Comments.

COVINGTON & BURLING

The Honorable Vernon A. Williams

August 13, 2001

Page 2

proposed condition relating to the Settlement, GLT's letter should be accepted.³ Acceptance of the letter will not cause any delay or prejudice any party, especially now that both AK Steel and U.S. Steel have submitted surreplies to the points made in the letter.⁴

GLT does not object to the Board's accepting these AK Steel and U.S. Steel submissions so long as GLT's letter is also accepted. While GLT strongly disagrees with the assertions in those filings regarding the alleged competitive effects of the CN-GLT Settlement, we refrain from prolonging the debate on these issues.

Respectfully submitted,



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Nicholas W. Fels

Carolyn F. Corwin

David L. Meyer

James R. Dean

Attorneys for

Great Lakes Transportation LLC

cc: All Parties of Record

³ See STB Finance Docket No. 32760, *Union Pacific Corp., et al. – Control & Merger – Southern Pacific Rail Co., et al.*, Decision No. 68 served Mar. 10, 1997, Slip op. at 2 n.4 (accepting reply to reply where it shed light on the nature of the relief sought by a party).

⁴ Although styled a "Motion to Strike," AK Steel's paper is in substance a lengthy response to GLT July 31 letter. U.S. Steel's submission of August 2, 2001 (USS-4) also responds at length to the GLT letter. The Board has customarily accepted submissions proffered in response to material raised for the first time in another party's "reply" in the interest of "a more complete record" where the other party has been afforded a fair opportunity to respond. See, e.g., STB Finance Docket No. 33824, *Great Salt Lake & Southern R.R., L.L.C. – Construction & Operation – in Tooele County, UT*, Decision served Dec. 15, 2000, Slip op. at 3 n.9; STB Finance Docket No. 31974, *Mountain Laurel R.R. – Acquisition & Operation Exemption – Consolidated Rail Corp.*, Decision served May 15, 1998, Slip op. at 7; STB Finance Docket No. 33323, *Chicago Rail Link L.L.C. – Lease & Operating Exemption – Union Pacific R.R.*, Decision served Sept. 2, 1997, Slip op. at 1; STB Finance Docket No. 33200, *Cities of Auburn & Kent, WA – Petition for Declaratory Order – Burlington Northern R.R. – Stampede Pass Line*, Decision served Jan. 15, 1997, Slip op. at 1.

CERTIFICATE OF SERVICE

I, David L. Meyer, certify that, on this 13th day of August, 2001, I caused a copy of the foregoing letter (GLT-20) to be served as indicated below:

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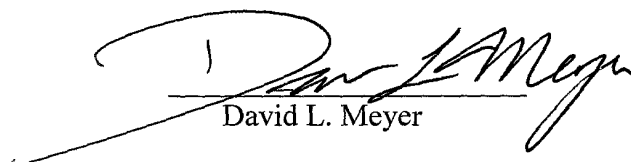
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I further certify that on this 13th day of August, 2001, I caused a copy of the foregoing letter to be served by first-class mail, postage prepaid, on all other parties of record listed on the official service list, as modified, issued as Appendix A to Decision No. 3 in Finance Docket No. 34000.


David L. Meyer