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November 12, 2003

By Hand Delivery

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

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Public Record



209405- Re: **Docket No. AB-279 (Sub-No. 3)**
Canadian National Railway Company – Adverse Discontinuance –
Lines of Bangor and Aroostook Railroad Company and
Van Buren Bridge Company in Aroostook County, Maine

209407 **Docket No. AB-124 (Sub-No. 2)**
Waterloo Railway Company – Adverse Abandonment –
Lines of Bangor and Aroostook Railroad Company and
Van Buren Bridge Company in Aroostook County, Maine

Dear Secretary Williams:

Today, Canadian National Railway Company (“CN”) served upon Canadian Pacific Railway Company (“CPR”) a pleading styled as “Canadian National Railway Company’s Response to Canadian Pacific Railway Company’s Petition for Leave to Intervene” (“CN’s Response”). While styled as a response to the Petition for Leave to Intervene filed by CPR on November 6, 2003, CN’s Response is in fact a prohibited substantive reply to “CPR’s Response in Opposition to Canadian National Railway Company’s Motion to Compel Production of Documents” (“CPR Reply”), which was also filed on November 6, 2003. Indeed, CN makes only a single reference to CPR’s Petition for Leave to Intervene (in the first sentence of its purported “response” to that petition). The balance of CN’s four-page pleading (and attachment) consists of a variety of new arguments in response to points made in CPR’s Reply.

It is well established that “a reply to a reply is not permitted.” See 49 CFR § 1104.13 (c). CN’s Response is a transparent attempt by it to file such a reply to CPR’s Reply, under the

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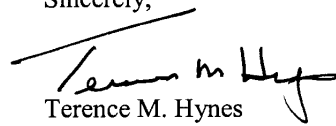
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guise of "responding" to an accompanying procedural motion for leave to intervene (for the sole purpose of filing CPR's Reply). CPR therefore respectfully requests that the Board reject CN's Response.

If you have any questions, please contact the undersigned. Thank you for your prompt attention to this matter.

Sincerely,



Terence M. Hynes

cc: All Parties of Record