

January 16, 2008

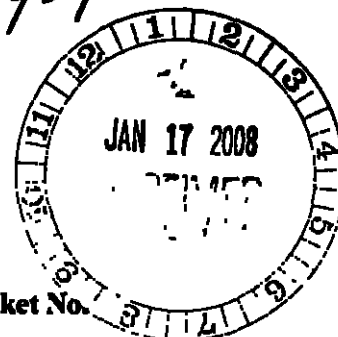
Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S W
Washington, D C 20423-0001

221293-Sub 1
221294- 2
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221297- 5
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221299-7
ArcelorMittal

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Office of Proceedings

JAN 17 2008

Part of
Public Record



Re: Supplemental Notice of Intent to Participate, STB Finance Docket No. 35087, Sub Nos. 1-7
Canadian National Railway Company and Grand Trunk Corporation -
Control - EJ&E West Company

Dear Ms Quinlan

ArcelorMittal USA Inc , ArcelorMittal Burns Harbor LLC, ArcelorMittal Indiana Harbor LL, (formerly ArcelorMittal Indiana Harbor Inc) ArcelorMittal Kote Inc , ArcelorMittal Tek Inc , ArcelorMittal Hennepin Inc , and Arcelor Mittal Riverdale Inc (collectively, "ArcelorMittal") are presently Parties of Record in the above-captioned STB Finance Docket No 35087 It is ArcelorMittal's understanding and position that entities that are Parties of Record in the main docket are Parties of Record in the sub-dockets as well However, recent responses by the Elgin, Joliet & Eastern Railway Company ("EJ&E") to discovery requests propounded by the United Transportation Union have taken the position that the EJ&E is not a party to this proceeding.¹

ArcelorMittal has also filed discovery requests on the EJ&E, with responses due by January 25, 2008 It is possible that the Board's official service list as described in Decision No. 2 will not issue prior to January 25, 2008 In order to avoid any further confusion and related delay in regard to these specific discovery matters, ArcelorMittal respectfully requests it also be listed as a Party of Record for each Sub-Numbered proceeding immediately, pending release of the Board's official service list Accordingly, all filings, decisions, and notices in connection with this proceeding and with all related Sub-Numbered proceedings should be served upon

Brian McCarthy
ArcelorMittal USA Inc
One Dearborn Street
19th Floor
Chicago, IL 60603
(312) 899-3771

¹ A copy of EJ&E's response letter is attached hereto as Attachment A ArcelorMittal notes that the EJ&E is a Party of Record in related sub-docket No 1

Brian McCarthy
ArcelorMittal USA
1 S Dearborn Street
Chicago IL 60603-4888

T -312 309 3771
www.brian.mccarthy@arcelormittal.com

Enclosed are 10 copies of this letter. Please acknowledge receipt of this letter by date-stamping the acknowledgement copy and returning it to our messenger.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brian McCarthy".

Brian McCarthy
Counsel

CERTIFICATE OF SERVICE

I certify that I have, this 17 th day of January, 2008, served the foregoing Supplemental Notice by causing a copy to be sent by Federal Express to

John A. Vuono
Vuono & Gray
310 Grant Street, Suite 2310
Pittsburgh, PA 15219-2383

I further certify that I caused a copy to be sent via first class mail, postage prepaid, or by a more expeditious method of delivery, to all other known parties of record

Brenda F. Sub

ATTACHMENT A

,

Law Offices

VUONO & GRAY, LLC

*John A. Vuono
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Dennis J. Kustunnis
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*Richard R. Wilson
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412-471-1800*

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412-471-4477*

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:

Daniel R. Elliott, III, Esq.
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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.

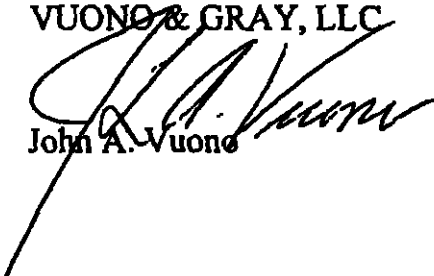
The relevant discovery regulations are clearly applicable only to parties, as defined above, and an entity which is not a party to a Board proceeding is not required to respond to discovery requests. *See* 49 C.F.R. §1114.26 (Written Interrogatories to Parties); §1114.27 (Request for Admission); and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

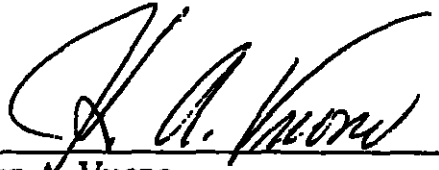
CW/59292

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