

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

ORIGINAL

THOMAS F. McFARLAND

By UPS overnight mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

January 7, 2004

ENTERED
Office of Proceedings

JAN - 8 2004

Part of
Public Record



Re: Docket No. 42080, *Minnesota Northern Railroad, Inc. v. Canadian National Railway Company*

Dear Mr. Williams:

Minnesota Northern Railroad, Inc. (MNN) does not oppose the motion of Canadian National Railway Company (CN), filed on December 24, 2003, for leave to file surrebuttal to MNN's Rebuttal Statement in the above proceeding.

The gist of CN's surrebuttal is that CN did not sign the Junction Interchange Update Form that MNN furnished to CN showing MNN as interchange rail carrier at Warroad, MN in lieu of Burlington Northern Santa Fe. MNN did not contend that CN signed the form. But CN retained Warroad as an interchange point in official rail industry publications after receipt of the Form. That constituted a holding out to interchange with MNN at Warroad regardless of whether CN signed the Form.

Ten copies accompany the original of this reply to motion. All parties are being served. Kindly acknowledge receipt by date stamping the enclosed duplicate copy of this letter and return in the self-addressed stamped envelope.

Very truly yours,

Tom McFarland

Thomas F. McFarland
*Attorney for Minnesota Northern
Railroad, Inc.*

TMcf:kl:enc:wp11\952\lstrtb6

cc: Thomas J. Litwiler, Esq.) *by UPS overnight mail*
Theodore Kalick, Esq.) *by UPS overnight mail*
Mr. George LaPray, *by reg. mail*