

PAUL C THOMPSON
International President

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KIM N THOMPSON
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Associate General Counsel

UPS Next Day Air

22-1136

December 26, 2007

FILED

DEC 28 2007



Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W., Room 1149
Washington, DC 20024
(202) 245-0335

ATTN: Tim Cambridge

Re: F.D. No. 35087 - Canadian National Railway Company and Grand Trunk
Corporation - Control - EJ&E West Company - Petition for Reconsideration - UTU-
3

Dear Mr. Cambridge:

Enclosed please find our check in the amount of \$200 to cover the filing fee in the above-captioned matter which was not included with our letter and Petition for Reconsideration dated December 21, 2007.

Thank you for your cooperation.

Very truly yours,

Daniel R. Elliott III
Daniel R. Elliott, III
Associate General Counsel

Enclosure

ENTERED
Office of Proceedings

DEC 23 2007

Part of
Public Record

FILE RECEIVED

DEC 23 2007

SURFACE
TRANSPORTATION BOARD

PAUL C. THOMPSON
International President

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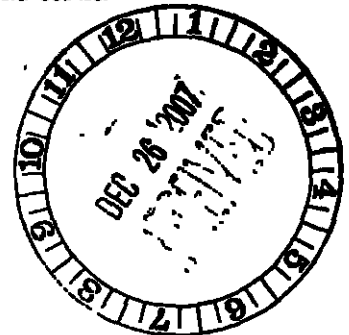
KEVIN C. BRODAR
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ROBERT L. McCARTY
Associate General Counsel

DANIEL R. ELLIOTT, III
Associate General Counsel

December 21, 2007

UPS Next Day Air



Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W., Room 1149
Washington, DC 20024
(202)245-0335

Re: F.D. No. 35087 - Canadian National Railway Company and Grand Trunk
Corporation - Control - EJ&E West Company

Dear Secretary Williams:

Please find enclosed the original and 10 copies of United Transportation Union's Petition for Reconsideration for filing in the above-captioned matter. We have also enclosed a disk in WordPerfect format.

Thank you for your cooperation.

Very truly yours,

Daniel R. Elliott, III
Associate General Counsel

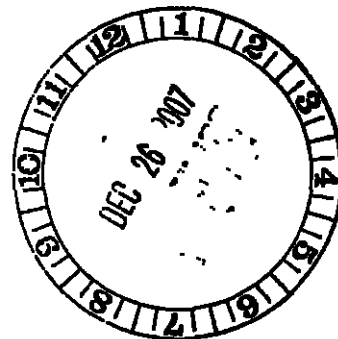
Enclosure

UTU-3

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35087

**CANADIAN NATIONAL RAILWAY COMPANY
AND GRAND TRUNK CORPORATION
- CONTROL -
EJ&E WEST COMPANY**

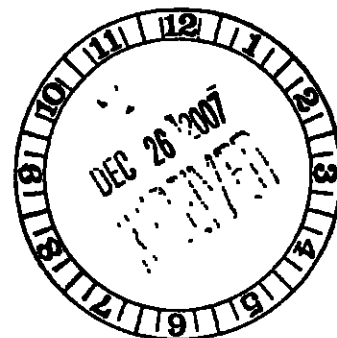


**UNITED TRANSPORTATION UNION'S
PETITION FOR RECONSIDERATION**

Daniel R. Elliott, III
Associate General Counsel
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107-4250
(216) 228-9400
FAX (216) 228-0937

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35087



**CANADIAN NATIONAL RAILWAY COMPANY
AND GRAND TRUNK CORPORATION
– CONTROL –
EJ&E WEST COMPANY**

**UNITED TRANSPORTATION UNION'S
PETITION FOR RECONSIDERATION**

United Transportation Union (“UTU”) respectfully submits its petition for reconsideration of the Board’s designation of the above-referenced transaction as a “minor” transaction in its November 26, 2007 decision herein. This transaction, which has sparked considerable interest, as evidenced by the plethora of filings in this proceeding, involves the nuances of the largest hub on the United State’s rail system. UTU has grave concerns that this transaction could result in a repeat of the UP/SP merger debacle in the Houston area. As a result, UTU simply asks the Board to give this transaction a more careful review in light of the potential for harm to the nation’s rail system.

UTU adopts and incorporates by reference the arguments made by Indiana Harbor Belt Railroad Company (“IHB”) in its Petition for Reconsideration (IHB-2). Moreover, UTU urges the Board to review the National Railroad Passenger Corporation’s Notice of Intent to Participate (NRPC-1), which voices various concerns about how this “transaction would effectively eliminate a CN rail line critical to the operation of six daily Amtrak trains that provide essential services and significant environmental benefits.” If CN is willing to gloss over this extremely significant,

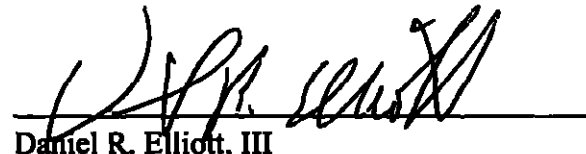
possible adverse effect in its filings, it seems that more careful review is called for to ensure there are no further, glaring problems buried in this application.

CONCLUSION

When considered in light of the legal and regulatory standard for determining whether a proposed transaction is either significant or minor, it is clear that the transaction proposed in this proceeding and described in the Application cannot and should not be deemed "minor." As explained above, the transaction is definitely of national and regional significance, and the ramifications of poor implementation could have major consequences for rail transportation throughout North America. Moreover, Applicants have not proven that the proposed transaction clearly will not have any anticompetitive effects, or if there are anticompetitive effects, that these effects will clearly be outweighed by the transaction's anticipated contribution to the public interest *in meeting significant transportation needs.*

Because it is clear that this transaction cannot be deemed "minor" under the Board's rules, and therefore should be considered as a "significant" transaction, IHB has proposed a procedural schedule in its motion that would accommodate this proceeding in its proper context. In choosing how best to proceed with the Application, the Board should at the very least adopt a procedural schedule that permits interested parties to develop and adequately present their interests and concerns *regarding the proposed transaction and should allow the agency itself adequate time to evaluate the record, impacts of the proposed transaction, and issue a decision on the merits.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D.R. Elliott", is written over a horizontal line.

Daniel R. Elliott, III

Associate General Counsel

United Transportation Union

14600 Detroit Avenue

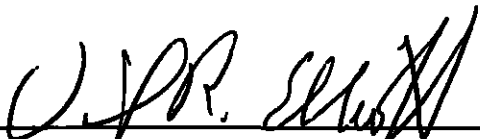
Cleveland, Ohio 44107-4250

(216) 228-9400

FAX (216) 228-0937

CERTIFICATE OF SERVICE

This is to certify that a copy of United Transportation Union's Petition for Reconsideration has been served this 21st day of December, 2007, by first-class mail, postage pre-paid, upon all parties of record.



Daniel R. Elliott, III