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DUPX-2

September 10, 2003

SEP 1 2003

Part of
Public Record

By Fax

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street NW
Washington, DC 20423



RE: Finance Docket No. 34342, *Kansas City Southern - Control - The Kansas City Southern Ry. Co. et al.*

Dear Mr. Williams :

On September 8, 2003, the Board issued Decision No. 7 in the above proceeding. The decision requests comments by parties on the request of the Trustee of the Mexrail Voting Trust for "authority, direction or guidance" from the Board on the matters set out in the Trustee's letter to the Board of September 5, 2003.¹ The Board's decision requests that any comments be submitted not later than noon, Thursday, September 11, 2003.

Our client, E.I. du Pont de Nemours and Company ("DuPont") is a party of record in this proceeding, and it submitted comments (DUPX 1) on August 4, 2003, supporting the proposed acquisition of control of The Texas Mexican Ry. Co. ("Tex Mex") by Kansas City Southern ("KCS"). DuPont supported the transaction because it would result in a more efficient, effective, safe and competitive rail transportation service to and from the border between the United States and Mexico.

The Trustee has requested "authority, direction or guidance" from the Board as a result of a notice received from TFM, S.A. de C.V. ("TFM") that it wished to exercise a contractual right to repurchase the 51% of the voting shares of Mexrail (the parent of Tex Mex) purchased by KCS and placed in the voting trust. Pursuant to the Board's Rules of Practice, 49 C.F.R. § 1104.7(b), DuPont is hereby requesting an extension of the time for commenting on the Trustee's request until the close of business (5:00 PM EDT) on Thursday, September 18, 2003.

Under the Board's authority to approve railroad consolidations and acquisitions of control, it has reserved authority over the terms of a voting trust in order "to protect the public interest." *Santa Fe Southern Pacific Corp. - Control - Southern Pacific Transp. Co.*, 2 I.C.C.2d 709, 834 (1986). DuPont believes that the Board and the parties would benefit from additional time to permit a

¹ The Trustee's letter was sent to the Board by telecopy shortly before 5:00 PM EDT on September 5, but was not served on the parties of record to this proceeding. It was not available on the Board's web site until Monday, September 8, 2003.

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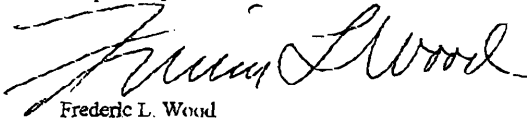
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proper evaluation of the impact of the requested divestiture of the Mexrail stock by the Trustee from the Voting Trust. As the Board may be aware, there is a dispute between KCS and Grupo TMM, S.A. over the carrying out of the agreements relating to the larger transaction whereby KCS would acquire control of TFM. DuPont believes that additional time to respond to the Trustee's request would permit an evaluation of the impact on Tex Mex of these actions, and their effect on the public interest.

Respectfully,



Frederic L. Wood

cc: All Parties of Record

** TOTAL PAGE.03 **

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FAX COVER PAGE

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