

BEFORE THE
INTERSTATE COMMERCE COMMISSION

IN THE MATTER OF:

APPLICATIONS OF UNION PACIFIC
RAILROAD COMPANY AND CHICAGO,
ROCK ISLAND AND PACIFIC RAIL-
ROAD COMPANY

APPLICATIONS OF SOUTHERN PACIFIC
COMPANY

)
)
) Finance Dockets
) 23285, 23286,
) 23287 and 23288
)
)
) Finance Dockets
) 23595 and 23596

REPLY
ON BEHALF OF
CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY
TO THE PETITION FOR PREHEARING CONFERENCE

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Dated: January 4, 1972

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INTERSTATE COMMERCE COMMISSION

IN THE MATTER OF:

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RAILROAD COMPANY AND CHICAGO,	)	23285, 23286,
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On December 15, 1971, the Denver & Rio Grande Western Railroad Company, Kansas City Southern Railway Company, and Soo Line Railroad Company filed a Petition for a Prehearing Conference concerning the reopened proceeding involving the inclusion of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, hereinafter sometimes referred to as "Milwaukee Road," and indicated that the Petition required expedited handling.

The Milwaukee Road has a vital interest in the subject of a prehearing conference in this proceeding. We file this Reply more in the nature of a statement of position than as a Reply taking issue with the relief sought by the Petitioners.

The Petitioners have set forth the prior pleadings they have filed seeking discovery and/or a prehearing conference and the Commission orders in response. The Petitioners request that a prehearing conference should now be held as it would serve to expedite the taking of evidence concerning the Milwaukee's inclusion. With this we certainly agree.

The Milwaukee is desirous of commencing these proceedings promptly. A prehearing conference can clarify the issues and may expedite the preparation and the presentation of evidence. The Milwaukee Road, after it filed its petition for inclusion, sought a method for handling this proceeding in an expedited manner. The Commission denied this request in its order of May 15, 1970, indicating that the proceeding could not be handled under modified procedure. Subsequently in February of 1971, the Milwaukee Road filed a petition seeking an immediate prehearing conference. On

April 6, 1971, the Commission in its order reassigned the case to the examiner for his report and order and disposed of our request for a prehearing conference in the following manner:

"It is further ordered, That a decision on the request of Chicago, Milwaukee, St. Paul and Pacific Railroad Company for a pre-hearing conference be, and it is hereby, deferred until such time as the matter of petitioner's inclusion in the merger proceedings is assigned for hearing."

As can be seen by our previous actions, we have always been interested in attempting to get the hearings underway which involve the inclusion of the Milwaukee Road into either the Union Pacific or Southern Pacific systems. We would welcome the opportunity to have a prehearing conference at some date early in 1972.

WHEREFORE, the Milwaukee Railroad respectfully prays that the Commission set for hearing the reopened future hearings limited to the issues bearing upon the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's requested inclusion and assign that hearing for a prehearing

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document upon all parties of record in this proceeding by mailing a copy thereof, by first-class mail, properly addressed, to each such party.

Dated at Chicago, Illinois this 4th day of January, 1972.

Robert F. Munsell