

April 8, 2019

*Via Email: [Secretariat@otc-cta.gc.ca](mailto:Secretariat@otc-cta.gc.ca)*

Canadian Transportation Agency  
15 Eddy Street  
Gatineau, QC J8X 4B3

**Attention: Secretary**

Dear Madam:

**Re: Canadian Transportation Agency (the "Agency") 2019 Freight Rail  
Investigation – File No. 19-00189  
Reply on behalf of Canadian National Railway Company ("CN")**  
**File No.: 4776-142**

On March 6, 2019, the Agency issued Decision LET-R-29-2019 (the "**Preliminary Decision**") as part of its investigation into whether the railway companies have fulfilled their service obligations with respect to freight rail service in the Vancouver area (the "**Proceedings**").

The Preliminary Decision posed specific questions that the Agency had determined "warranted further examination based on the record before it" and set explicit deadlines for those questions to be answered. Particularly, CN and Canadian Pacific Railway ("**CP**") were directed to respond to the Agency's questions by March 26, 2019 and the other participants were provided an opportunity to do the same. The Preliminary Decision further provides all participants the opportunity to submit a reply to the other participants' March 26 responses by April 8, 2019.

In compliance with the Agency's direction, on March 26, 2019 CN provided its comprehensive response on the merits to the questions raised in the Preliminary Decision. CN's response, along with the responses submitted by other participants, were posted on the Agency's website on March 29, 2019. Only CN, CP, and the Forest Products Association of Canada ("**FPAC**") responded to the Agency's direction to answer the questions detailed in the Preliminary Decision. The other participants declined to do so.

CN has no reply to the submissions filed by CP and FPAC.

# MLT AIKINS

WESTERN CANADA'S LAW FIRM

As indicated in CN's March 26, 2019 response, the record contains no evidence that CN has breached its statutory service obligations. CN therefore respectfully reiterates its request that the Agency bring an end to these Proceedings.

Sincerely,

**MLT AIKINS LLP**

Per:



Douglas C. Hodson, Q.C.

cc. Canadian National Railway Company, Attention: Sean Finn and Eric Harvey