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The Honorable Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Finance Docket No. 36500

Dear Ms. Brown:

I write on behalf of Applicants to inform the Board that Applicants have received the submissions filed yesterday addressing the application of the Board's pre-2000 merger rules to their proposed transaction. Applicants are eager to assist the Board in promptly establishing a procedural schedule that will govern this proceeding and therefore plan to reply to those submissions by Monday, April 12.

Applicants will demonstrate why all of the pertinent public interest considerations under the governing statutory framework can readily be addressed under the pre-2001 rules and the procedural schedule previously proposed by Applicants (*see* CP-3/KCS-3). As proponents of applying the non-KCS major merger rules adopted in 2001 acknowledge, those rules would necessarily prolong the Board's review of the transaction, which would in turn delay delivery of the new competition and other public benefits they acknowledge the transaction promises. *See* Letter of Freight Rail Customer Alliance, National Coal Transportation Alliance, and Private Railcar Food and Beverage Association, Inc. at 2 (transaction "carries potential to increase both efficiency and competition for the benefit of shippers").

Respectfully submitted,



David L. Meyer

cc: All Parties of Record