

TIMIRON LLC.
20 STANWIX STREET
SUITE 630
PITTSBURGH, PA
15222

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April 21, 2021
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11 April 2021

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 - REPLY TO OBJECTIONS TO KCS WAIVER

My name is
Timothy Chutz
My company, TIMIRON LLC, is headquartered at:
20 Stanwix Street
Suite 630
Pittsburgh PA 15222

I am a majority shareholder of the company and serve as its managing director. In my role I am responsible for all areas of company operations including finance, strategic planning, Human Resources and field ops.

TIMIRON has previously submitted to the Board a letter supporting approval of the proposed CP-KCS combination. I have attached a copy of that letter for the Boards review. As expressed in the our previous letter, TIMIRON supports swift approval of the CP-KCS combination because of the significant benefits we expect to realize as a result of this transaction.

TIMIRON is aware that several parties have filed objections to the application of the pre-2001 merger rules to the CP-KCS transaction under the "waiver" issued in 2001 fo the transactions involving KCS. TIMIRON wishes to reply to those objections by urging the Board not to revoke the KS waiver. The pre-2001 rules provide the Board and all interested parties all the tools that are needed to fully evaluate the proposed transaction.

We are fully cognizant of the Boards mandate to ensure that Class 1 mergers are in the public interest and do not risk significant disruptions in the railway system. From our perspective, the unique nature of the CP-KCS transaction alleviates the concerns that motivated the new rules adopted in 2001. Reviewing the CP-KCS combination under the tried and true pre-2001 merger standards will prevent undue delay while still allowing for a thorough public interest assessment by the Board.

As we have mentioned in our previous letter, the end to end CP-KCS transaction will improve service options with new single line hauls and broader access to markets across North America. Our experience shows that single line rail service options are far superior to public and private fleets. The unique synergies of a CP-KCS combination promise significant public benefits to TIMIRON and similarly situated shippers which we are eager to see realized as soon as possible without the delays and additional burdens that would result from applying the 2001 rules for the first time ever to this transaction.

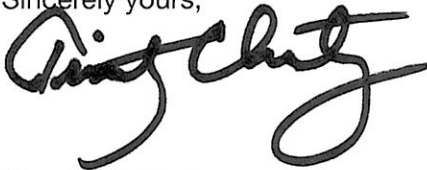
Nothing about the CP-KCS transaction raises the kinds of concerns that would flow from a merger of the much larger Class 1 railroads. The issues should be simple - the transaction improves competitive options and service - and any concerns any party has should be easy to address under the pre-2001 rules. The 2001 rules were designed for much more complex transactions and raised more serious issues. They should not be tested out in this case.

TIMIRON and our shipping partners are looking forward to a stronger CPKCS network that will increase our access to diversified market opportunities. As such, we urge the Board to apply the KCS waiver provision it thoughtfully included in its 2001 Major Merger Rules. As elongated period of reviews will delay and potentially reduce the positive synergies this merger promises. The KCS waiver will allow the Board to conduct a thorough but efficient and fair review and allow for the benefits of the new CPKC network to come to fruition more quickly.

TIMIRON is additionally concerned that applying the 2001 Major Merger Rules to the CP-KCS merger, a transaction the rules were not designed for, would lead to precedent with unintended consequences and might also create an easier path for some other Class 1 merger proposals that would be problematic in ways CP-KCS is not. The CP-KCS merger is unlike any other Class 1 merger combinations in that it is a straightforward transaction between the two smallest U.S. Class 1 railroads and it promises substantially more benefits than risks to the public interests. We also know that this transaction, among all possible Class 1 merger proposals is unique in not posing any serious concerns about lost competition, service disruptions or other harms. Interpreting and applying the 2001 rules to this transaction could encourage other Class 1 railroads to see an easier path for the own Class 1 merger proposals without the same unique benefits of the CP-KxCS transaction.

For these reasons, TIMIRON urges the Board to maintain the KCS waiver and reject calls to revoke it and to proceed to review and approval of the CP-KCS proposed combination as expeditiously as possible. We look forward to seeing CPKC as a stronger competitor in the industry!

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tim Chutz", with a stylized, cursive script.

Timothy A Chutz
Managing Director/President
TIMIRON LLC

CC: All Parties of Record

TIMIRON LLC
20 Stanwix Street
Suite 630
Pittsburgh, PA 15222

March 25th, 2021

ATTENTION: Surface Transportation Board

My name is Timothy Chutz.

My business, TIMIRON LLC, is headquartered at:
20 Stanwix Street
Suite 630
Pittsburgh, PA 15222

I am an owner in and President/Managing Director of TIMIRON LLC. We are more commonly referred to by our trade name, TIMIRON.

In my role I am responsible for all areas of finance, sales & marketing, customer relationships and corporate governance.

TIMIRON has been a long time shipper on both the CPR and KCS systems. My former company, Arrow Material Services, was engaged in construction and operations of rail transloading terminal facilities throughout the USA.

Through our network of terminals across the United States and Canada, we have shipped and trans-loaded literally tens of thousands of carload quantities of liquid, dry bulk and other types of commodities such as:

Frac sand
Crude oil
Condensate
Chemicals and plastics
Iron and steel products
Ferro alloys
Ores
Minerals
Pig iron
Petroleum coke
Foundry coke
Scrap metals
Wood and forest products
Machinery and consumer products

Our relationship with both railroads, independent of one another, has always been excellent, working together to identify areas lacking adequate service either by last mile truck deliveries or lack of water resources and filling that need with construction of trans-loading facilities to fill the gap.

TIMIRON fully supports approval of the CP/KCS combination. This transaction would provide significant benefits that we are eager to immediately actualize.

From our perspective, the transaction promises to provide improved service options and invigorate transportation competition in the markets we currently serve. The combined CPKCS network with new single line hauls and access to premium ports on the USA Gulf, Atlantic and Pacific coasts as well as to key overseas markets would help us reach our existing markets and new markets more efficiently.

And with the strong commitment to safety, human capital and environmental concerns coupled with their individual records of excellent operational performance, I have no doubt that CPKC will be able to integrate their operations seamlessly to the benefit of rail customers and other stakeholders.

TIMIRON has not often spoken favorably on railroad consolidation, but we see this transaction as uniquely beneficial, with none of the downside that might result from another round of Class 1 consolidation.

Specifically, our needs to ship crude oil products between the USA, Canada and Mexico will only increase as the North American marketplace consolidates in the face of global competition. We have an immediate need to ship UTICA/Marcellus condensate (diluent) from terminal facilities in Ohio, Pennsylvania and West Virginia to the Canadian tar sands production facilities of Alberta, Canada. This product would be useful as “blend stock” to make possible the return shipments of Canadian heavy bitumen crude oil to markets in the USA and Mexico. Rail transportation is essential to accomplish a long term and efficient North American crude oil products strategy.

Although a volatile commodity driven market, frac sand moves in huge volumes when the markets for drilling and hydro-fracing are economical. It would be our intention to utilize the CPKC network of rail linked terminals from sand mines to wellheads across the North American landscape.

CP and KCS have both provided us excellent service over years past, however, their respective individual market reach is limited today. Both railroads end up having to interline with other railroads in order to reach certain important markets driving up cost and requiring more time in transition from one railroad to another. Single line hauls are always faster, more efficient and far more economical.

We know from repeated and personal experiences that this transaction will facilitate these operational and economical efficiencies immediately.

We are extremely excited about this transaction because it will allow a combined CPKC to provide new and more efficient, reliable and economical rail service options. This will strengthen competition against the other larger rail carriers and motor carriers that serve our markets.

By way of example,

- * CPKC's new single line haul offerings will expand market reach and offer new competitive transportation options for our shipment of diluent from Cadiz Ohio to all crude oil production points in Alberta, Canada.

- * We are particularly excited about the role new CPKC single line routes will play in expanding access to growing markets across the USA, Canada and Mexico under the USMCA trade agreement. It is extremely critical that there be a true USMCA railroad service option.

- * CPKC's new service offerings will improve transit times and reliability, which will reduce our equipment costs and improve our efficiency. Less time in transit via single line hauls, less time in terminal switch yards and better coordination of train departure and arrival schedules will result in far better equipment utilization and lower car leasing or ownership requirements.

KCS and CP have had a very cooperative relationship in the past, and CP-KCS joint routes are among our transportation options, but as separate companies, they have not been able to offer the kind of seamless, single line haul efficiencies we need from providers of transportation services. The completion of this transaction will immediately and greatly improve our transportation and terminal options.

At the same time, the entirely complimentary nature of the CP and KCS networks connecting only at Kansas City without overlapping anywhere else means that this transaction will have no adverse effects on competition. It will only make these carriers a better alternative relative to the other options that already exist, since CPKC will continue to interchange with all of their other existing interline partners.

We have been struck by the attention of CP and KCS to safety and operational effectiveness. Given the straightforward network connectivity between CP and KCS, and the fact that CP and KCS are the two smallest US Class I railroads, we are confident that they will be able to implement their transaction without the service disruptions that have plagued some of the past rail mergers.

For these reasons stated above, TIMIRON LLC voices strong support for the combination of CP and KCS, because it will enhance competition, provide expanded options and drive efficiencies for customer of all sizes.

TIMIRON LLC urges strongly urges the STB to approve the CP acquisition if the KCS as swiftly as possible so that these systems can be integrated and the end-to-end benefits of this transaction can be realized for the benefit of all customers and stakeholders.

VERIFICATION

I, Timothy Chutz, declare under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to submit this letter.

Executed on 25 March 2021

Signed: Timothy Chutz

SAFETY FIRST - SUCCESS WILL FOLLOW