



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of Proceedings
May 12, 2021
Part of
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MEMORANDUM

TO: Cynthia T. Brown, Chief, Section of Administration, Office of Proceedings

FROM: Adam Kress, Attorney-Advisor, Office of Martin J. Oberman

RE: Ex Parte Communication Related to Docket Nos. FD 36500 & FD 36514

DATE: May 12, 2021

On April 22, 2021, I received a voicemail from David Colter, President and CEO of GAC Chemical Corporation, expressing views regarding the notices by Canadian Pacific Railway Limited (Canadian Pacific) and Canadian National Railway Company (Canadian National) of their respective intents to purchase Kansas City Southern and its railroad affiliates (KCS). In the voicemail, Mr. Colter stated that he is “very supportive of the merger” between Canadian Pacific and KCS, “much more so than a deal between [Canadian National] and KCS.” Because Canadian Pacific filed a notice of intent to file an application to acquire KCS on March 23, 2021, in Docket No. FD 36500, and Canadian National filed a notice of intent to file an application to acquire KCS on April 20, 2021, in Docket No. FD 36514, this communication is a prohibited ex parte communication pursuant to the Board’s decision in Petition of Fieldston Co., Inc. to Establish Procedures Regarding Ex Parte Communication in Railroad Merger Proceedings, Docket No. EP 619 (STB served Jan. 8, 1997). Please place this memo in the public docket of Docket Nos. FD 36500 and FD 36514.