



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

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ENTERED  
Office of Proceedings  
May 14, 2021  
Part of  
Public Record

MEMORANDUM

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

FROM: Amanda Gorski, Attorney-Advisor

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

DATE: May 14, 2021

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On April 22, 2021, I received a voicemail from David Colter, President/CEO of GAC Chemical, expressing his views regarding the notices of intent to purchase Kansas City Southern and its railroad affiliates (KCS) filed by Canadian Pacific Railway Limited (Canadian Pacific) in Docket No. FD 36500 and by Canadian National Railway Company (Canadian National) in Docket No. FD 36514. In the brief voicemail, Mr. Colter expressed his support for the proposed Canadian Pacific/KCS merger, stating that he supported that proposed transaction “more so” than the proposed Canadian National/KCS merger. Mr. Colter also left his contact information and noted that he would be happy to talk further. I did not respond to the voicemail. 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 Communications 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.