



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

302742

ENTERED
Office of Proceedings
July 16, 2021
Part of
Public Record

MEMORANDUM

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

FROM: Martin J. Oberman, Chairman

RE: Ex Parte Communications Related to Docket No. FD 36514

DATE: July 16, 2021

On July 12, 2021, I received an email from nebagamon@aol.com (signed by “An American”) expressing views regarding the proposed merger of Canadian National Railway Company (Canadian National) and Kansas City Southern and its railroad affiliates (KCS). I have enclosed a copy of the email with this memorandum. Because 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 and the enclosed material in the public docket of Docket No. FD 36514.

Oberman, Martin

From: nebagamon@aol.com
Sent: Monday, July 12, 2021 9:06 PM
To: Oberman, Martin
Subject: Proposed Canadian National-KCS Merger: HELP PLEASE

I am not connected with any railroad, i don't know anyone that works at a railroad, and i have no railroad stock.

But i know when a proposed corporate merger will reduce competition, be against the public interest and likely prompt new mergers.

Over 340 of the shipper facilities have service at both railroads. If this merger is allowed, these shippers will lose the ability to shop or negotiate.

Since the 1980s, the number of large railroads has been reduced from over 30 to just 7. Fortunately, the government stopped any further consolidation. This merger now whats to "open the barn doors" to new mergers.

If this merger is allowed to proceed, it will render the President's July 9 broad anti-competition Executive Order illusory.

I pray that, when you make a decision on the merger, you will do what is right.

Sincerely,

An American