

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36500

CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC RAILWAY
COMPANY; SOO LINE RAILROAD COMPANY; CENTRAL MAINE & QUEBEC
RAILWAY US INC.; DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION;
AND DELAWARE & HUDSON RAILWAY COMPANY, INC. – CONTROL – KANSAS
CITY SOUTHERN, THE KANSAS CITY SOUTHERN RAILWAY COMPANY, GATEWAY
EASTERN RAILWAY COMPANY, AND THE TEXAS MEXICAN RAILWAY COMPANY

PETITION FOR WAIVER

EXPEDITED HANDLING REQUESTED

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Dated: January 12, 2022

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36500

CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC RAILWAY COMPANY;
SOO LINE RAILROAD COMPANY; CENTRAL MAINE & QUEBEC RAILWAY US INC.;
DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION; AND DELAWARE &
HUDSON RAILWAY COMPANY, INC. – CONTROL – KANSAS CITY SOUTHERN, THE
KANSAS CITY SOUTHERN RAILWAY COMPANY, GATEWAY EASTERN RAILWAY
COMPANY, AND THE TEXAS MEXICAN RAILWAY COMPANY

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Based on the Applicants' representations in their Application and the materials Applicants have produced in discovery, CSX Transportation, Inc. ("CSXT") has discerned no need to seek conditions that would require a responsive application. Discovery, however, is not yet complete and other parties may seek conditions that would change the competitive impact of the Applicants' proposed Transaction.

CSXT, therefore, under 49 C.F.R. §1180.4(f), respectfully requests that the Board grant a contingent waiver of the January 12, 2022, deadline for the submission of descriptions of anticipated responsive applications.¹ That waiver would permit later descriptions and requests for responsive applications if new evidence or other parties' pleadings demonstrate that the Transaction will likely have material impacts on competition beyond those shown in the Application.

¹ STB Decision No. 11 at 17, FD 36500.

Respectfully Submitted,

/S/ Paul A. Cunningham

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CERTIFICATE OF SERVICE

I hereby certify that I have caused this CSX Transportation, Inc. Petition for Waiver in Docket No. FD-36500, *Canadian Pacific Railway Limited; Canadian Pacific Railway Company; Soo Line Railroad Company; Central Maine & Quebec Railway US Inc.; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc. – Control – Kansas City Southern, The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company*, to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/S/ Paul A. Cunningham

Paul A. Cunningham
*Attorney for CSX
Transportation, Inc.*

January 12, 2022