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January 25, 2022

Via E-mail

The Honorable Thomas P. McCarthy,
Federal Mine Safety and Health Review Commission
1331 Pennsylvania Avenue NW,
Washington, D.C. 20004-1710.

Re: *Finance Docket No. 36500, Canadian Pacific Ry., et al. – Control
– Kansas City Southern, et. al.*

Dear Judge McCarthy:

On January 20, 2022 CSXT Transportation, Inc. (“CSXT”) filed and served on Applicants¹ a motion to compel basic discovery (“Motion”). CSXT requests that the time for response be expedited, and that rather than be “set at 20 days pursuant to 49 C.F.R. § 1114.31(a)(1) and 49 C.F.R. § 1104.13(a), [it] be reduced to 10 days” due to the “expedited schedule for this proceeding.” CSXT adds that “should Your Honor require oral argument on this Motion, Your Honor may schedule that argument promptly thereafter.” In an effort to spare Your Honor’s time and resources, and notwithstanding that Applicants believe the Motion is very overbroad and without conceding that the Motion actually warrants expedition on its merits, I wanted to bring to your attention Applicants’ intent to respond to CSXT’s Motion within the 10-day timeline requested.

¹ Applicants are Canadian Pacific Railway Limited, Canadian Pacific Railway Company, and their U.S. rail carrier subsidiaries Soo Line Railroad Company, Central Maine & Quebec Railway US Inc., Dakota, Minnesota & Eastern Railroad Corporation, Delaware and Hudson Railway Company, Inc. Kansas City Southern Applicants are Kansas City Southern and its U.S. rail carrier subsidiaries The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company.

The Honorable Thomas P. McCarthy

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Please do not hesitate to contact me should you have any questions.

Sincerely,

/s/ Adam S. Paris

Adam S. Paris

cc: David L. Meyer and All Parties of Record