

303989

February 23, 2022

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
February 23, 2022
Part of
Public Record

Submitted via e-filing

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

Dear Ms. Brown:

I am attaching for e-filing in the above captioned proceeding the Commuter Rail Division of the Regional Transportation Authority's Motion to Withdraw, in the above-referenced proceeding.

If you have any questions, please do not hesitate to contact me.

Yours very truly,



Charles A. Spitulnik

Enclosure

cc: All Parties of Record
Hon. Thomas McCarthy

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 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**

**COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION
AUTHORITY'S MOTION TO WITHDRAW ITS SECOND MOTION TO COMPEL
PRODUCTION OF DOCUMENTS FROM CANADIAN PACIFIC RAILWAY LIMITED
ET AL.**

Communications with respect to this pleading
should be addressed to:

Charles A. Spitulnik
Christian L. Alexander
Kaplan Kirsch & Rockwell LLP
1634 I (Eye) Street, Suite 300
Washington, DC 20006
(202) 955-5600
cspitulnik@kaplankirsch.com
calexander@kaplankirsch.com

*Counsel for the Commuter Rail Division of the
Regional Transportation Authority d/b/a Metra*

Dated: February 23, 2022

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 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 – KANSASCITY SOUTHERN, THE KANSAS CITY SOUTHERN
RAILWAY COMPANY, GATEWAY EASTERN RAILWAY COMPANY,
AND THE TEXAS MEXICAN RAILWAY COMPANY**

**COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION
AUTHORITY’S MOTION TO WITHDRAW ITS SECOND MOTION TO COMPEL
PRODUCTION OF DOCUMENTS FROM CANADIAN PACIFIC RAILWAY LIMITED
ET AL.**

INTRODUCTION

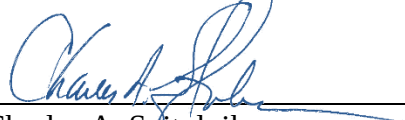
On February 22, 2022¹, the Commuter Rail Division of the Regional Transportation Authority, d/b/a Metra (“Metra”) moved to compel interrogatory responses and production of documents from the Applicants in this proceeding (“Motion to Compel”) relating to Metra’s Third Set of Interrogatories and Fifth Request for Production of Documents. The Motion to Compel specifically requested that documents previously produced on February 15, 2022, be produced with their original file names in order to make them useable.

Since filing the Motion to Compel, the Applicants have provided Metra with the documents with their original file names. Accordingly, Metra moves to withdraw its Motion to Compel. However, even with the properly named files, Metra still requires additional time beyond the February 28 comments due date to properly review and analyze the dozens of models

¹ The Board received the request, which was filed after hours, on February 23, 2022.

CP has just now produced. Accordingly, this Motion to Withdraw does not change Metra's Request for Extension filed on February 18, 2022.²

Respectfully submitted,



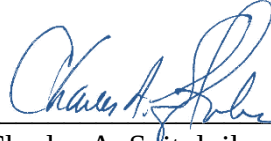
Charles A. Spitulnik
Christian L. Alexander
Kaplan Kirsch & Rockwell LLP
1634 I (Eye) Street, Suite 300
Washington, DC 20006
(202) 955-5600
cspitulnik@kaplankirsch.com
calexander@kaplankirsch.com

Dated: February 23, 2022

² The Board received this request on February 22, 2022.

CERTIFICATE OF SERVICE

I hereby certify that I have on the 23rd day of February 2022, caused to be served a copy of the foregoing MOTION TO WITHDRAW, upon all parties of record in this proceeding.



Charles A. Spitulnik
Kaplan Kirsch & Rockwell LLP
1634 I (Eye) Street, NW
Suite 300
Washington, DC 20036
(202) 955-5600
cspitulnik@kaplankirsch.com

Dated: February 23, 2022