

ENTERED
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February 23, 2022
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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

**NORFOLK SOUTHERN RAILWAY COMPANY'S RESPONSE TO METRA'S
REQUEST FOR EXTENSION OF TIME TO FILE COMMENTS**

Steven Newborn
Brianne Kucerik
Christopher J. Abbott
Weil, Gotshal & Manges LLP
2001 M Street NW, Suite 600
Washington, DC 20036
(202) 682-7034
Brianne.kucerik@weil.com

*Attorneys for Norfolk Southern
Railway Company*

Dated: February 23, 2022

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Norfolk Southern Railway Company (“NS”) respectfully responds to the Commuter Rail Division of the Regional Transportation Authority’s Request for Extension of Time to File Comments (“Metra motion”), requesting a thirty-day extension of time, until March 30, 2022, to file its Comments regarding the proposed transaction that is the subject of the above-captioned proceeding (“Transaction”).

NS takes no position on the Metra motion, but believes that if the Board changes the deadline for Metra to file its comments, then it should amend the Procedural Schedule for all Parties so that all Parties have the same deadlines for filing Responsive Applications and Comments. The Parties must be able to take each other’s filings into account when drafting responses and rebuttals, which would be impossible if one party were granted an extension while

all others were kept to the original schedule. To that end, NS strongly opposes the Applicants' suggestion that any extension be limited to Metra. See CP-39/KCS-26 (filed Feb. 23, 2022). NS believes that such a result would cause confusion and unfairness amongst the Parties.

It is vitally important that the Board receive fully-informed analyses from all Parties. As the Board knows, this Transaction is the first Major Transaction before the Board in two decades and will fundamentally alter the rail network in North America. The benefit of fully-informed analyses outweighs any prejudice caused by Metra's requested change to the schedule, which would still allow the Board to decide this matter within the regulatory timeframe.

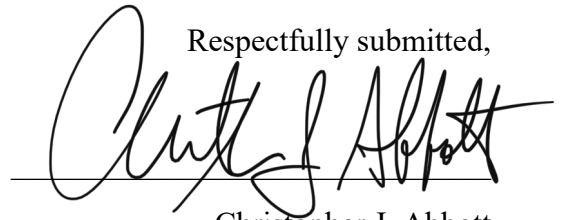
NS takes note that the production discussed in Metra's motion involves RTC studies and results, a fundamental element to understanding current and anticipated freight and passenger operational fluidity arising from actions such as that proposed by the Applicants. The timing of production of the RTC analyses therefore implicates many parties', including NS's¹ (and the Board's) ability to analyze the Transaction and the impacts that would arise from implementation of the same.

For these reasons, NS requests that if the Board grants Metra's request for a thirty-day extension of time, until March 30, 2022, to file its Comments, that it amend the Procedural Schedule so that deadlines for Comments and Responsive Applications are identical for all Parties.

[Signature page follows]

¹ Although Metra was the party who specifically asked for the RTC data in this instance, it did so with regards to Chicago, a major rail hub for NS and other Parties impacted by this Transaction. NS's Requests for Production of Documents to the Applicants included a request for "all information and documents that Canadian Pacific and Kansas City Southern produces in response to discovery requests submitted by other participants in this proceeding."

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris J. Abbott", written over a horizontal line.

Christopher J. Abbott
Weil, Gotshal & Manges LLP
2001 M St. NW, Suite 600
Washington, DC 20036
(202) 682-7197
christopher.abbott@weil.com

Counsel for Norfolk Southern Railway Company

February 23, 2022

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Norfolk Southern Railway Company's Response to Metra's Request for Extension of Time to File Comments to be served electronically or by first-class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, Applicants' representatives, Administrative Law Judge Thomas McCarthy, and all other parties of record.



Christopher J. Abbott

Counsel for Norfolk Southern Railway Company