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Office of Proceedings

May 24, 2022

Part of

Public Record

May 24, 2022

By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: STB Finance Docket No. 36500, *Canadian Pacific Ry., et al.* –
Control – Kansas City Southern, et al., and Sub. Nos. 1-5

Dear Ms. Brown:

This letter is submitted on behalf of the Village of Itasca and the Coalition to Stop CPKC (collectively the “Coalition”)¹ in reply to and support of the May 20, 2022 request of the Canadian National Railway Company and its rail subsidiaries (collectively, “CN”), to extend the deadline for filing amended comments and responsive applications in the captioned dockets to June 16, 2022. As CN points out, the Amended Operating Plan and appendices filed by CP very late in the day on Friday, May 13 did not include any explanation or summary of the changes CP made to its original Operating Plan. CN also points out in its letter numerous discrepancies and issues with the Amended Operating Plan and the workpapers accompanying it. Finally, the same day that CN filed its extension request, the Applicants filed an extensive “Errata” submittal that purports to correct numerous errors in the Amended Operating Plan and accompanying workpapers.

The Chicago-area villages, cities, and county making up the Coalition are all very concerned about the significant adverse effects the Applicants’ proposed operations would have on their communities if the merger is approved. The Coalition members believe that the original

¹ Village of Bensenville, Illinois, City of Wood Dale, Illinois, Village of Roselle, Illinois, Village of Schaumburg, Illinois, Village of Hanover Park Illinois, Village of Bartlett, Illinois, City of Elgin, Illinois, and County of DuPage, Illinois.

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Operating Plan was fundamentally flawed, and they are reviewing the Amended Operating Plan with the intent of supplementing their Opening Comments to address the issues presented by the Amended Operating Plan. The Coalition concurs that the form and manner in which the Amended Operating Plan was filed, as well as the issues with its substantive contents identified to date by both CN and the Applicants, justify the requested two-week extension of the date for filing supplemental comments and responsive applications from June 2, 2022 to June 16, 2022. This was the original date contemplated for such filings by the Board in Decision 17 in this Docket.

The Coalition further submits that it naturally follows that a two-week extension of the foregoing date should be accompanied with a two-week extension of the dates for subsequent filings and events on the procedural schedule announced in Decision 17, thereby putting these proceedings back on the schedule contemplated by that ruling.

Please do not hesitate to call me if you have any questions. I certify that I have served a copy of this letter on all parties of record in Docket No. FD 36500 and each of its sub-dockets.

Sincerely,



Thomas W. Wilcox
*Attorney for the Village of Itasca, Illinois
and the Coalition to Stop CPKC*