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May 25, 2022
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May 25, 2022

BY ELECTRONIC FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

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

Dear Ms. Brown:

Applicants respond briefly to the letter filed yesterday by the so-called “Coalition to Stop CPKC” (designated “ITAS-3”). The Coalition’s letter is essentially derivative of the extension request filed by Canadian National last Friday, to which Applicants provided a full response on Monday (*see* CP-49/KCS-36). Like CN, the Coalition provides no justification for an extension that would nearly double the time given them to address the Amended Operating Plan.

The Coalition’s extension request is particularly unwarranted given that the Amended Operating Plan reflects no changes whatsoever to the Transaction-related impacts on rail traffic in the Chicago area, which the Coalition has already addressed in its previously-filed Comments in this proceeding. In short, there is nothing for the Coalition to amend.

Any change in the procedural schedule driven by the Coalition’s interests also would be unwarranted given the lack of seriousness the Coalition has displayed regarding the eight additional freight trains the Transaction may bring to CP’s line west of Chicago. In correspondence received by CP just yesterday, the Coalition stands by its demand that “over \$9 billion” of “mitigation” – more than was spent by the entire CREATE project – is necessary to “attempt to protect” these communities. (For convenience, a copy of the letter is attached.). This is not the position of a party interested in a serious exploration of the public interest implications of the CP/KCS Transaction.

The Board should reject the Coalition’s extension request.

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Please contact me with any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David L. Meyer". The signature is fluid and cursive, with the first name "David" and last name "Meyer" clearly distinguishable.

David L. Meyer

*Attorney for Canadian Pacific Railway
Limited*

Attachment

cc: William A. Mullins, Esq.
All Parties of Record

Village of Bartlett

Village of Bensenville

City of Elgin

Village of Hanover Park



www.StopCPKC.com

Village of Itasca

Village of Roselle

Village of Schaumburg

Village of Wood Dale

DuPage County

Arielle Giordano
Canadian Pacific Railway
1341 G St NW, Suite 100
Washington, DC 20005

May 24, 2022

Dear Ms. Giordano:

By your letter dated April 1, 2022, Canadian Pacific Railway, on behalf of itself and its affiliates (CP), submitted a written version of the oral settlement offer CP made to the communities making up the Coalition to Stop CPKC during our meeting on March 28, 2022. Pursuant to the offer, as set forth in your letter, CP would make a "voluntary community investment" of a total of \$10 million to the eight Coalition member community members, in exchange for the Coalition's agreement to not seek any mitigation conditions before the STB in Docket No. FD 36500, and to not otherwise oppose the proposed merger of CP and Kansas City Southern Railway.

Considering that the estimated total cost of the mitigation conditions the Coalition believes will be required to attempt to protect their communities from the harm CPKC will inflict on them post-merger is over \$9 billion, CP's offer to pay the coalition members a lump sum of merely \$10 million is clearly not a serious attempt to reach a mutually acceptable settlement. This letter therefore officially rejects CP's offer.

The health, safety and wellbeing of our residents, businesses, and property owners is our number one priority. Our Metra stations connect our commuters to the City of Chicago and bring them home to the quality of life they enjoy. The CPKC merger as proposed would destroy that quality of life and drastically make our citizens less safe.

Despite this very discouraging start, we are receptive to serious negotiations aimed at adequately addressing the significant adverse impacts your proposed merger would cause. In the meantime, the Coalition will continue to oppose the merger as proposed and we are gaining support daily from community organizations and concerned citizens.

Sincerely,

Carie Anne Ergo
Chairperson, Coalition to Stop CPKC
Village Administrator, Itasca, IL