

LAW OFFICE OF DAVID L. MEYER
WWW.MEYERLAWDC.COM

1105 S STREET, N.W.
WASHINGTON, D.C. 20009
202-294-1399

305298
ENTERED
Office of Proceedings
September 14, 2022
Part of
Public Record

September 14, 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:

I write on behalf of Applicants in accordance with the Board's Decision No. 22. Applicants will participate in person at the hearing scheduled for September 28, 29, and 30. To enable Applicants to address the array of public benefits of the proposed Transaction and respond to questions from the Board about the various issues raised in this proceeding, they intend to present testimony from the following witnesses:

- Keith Creel, President and CEO of Canadian Pacific Railway Company ("CP");
- Patrick J. Ottensmeyer, President and CEO of Kansas City Southern ("KCS");
- John Brooks, CP's Executive Vice President and Chief Marketing Officer;
- James Clements, CP's Senior Vice-President Strategic Planning and Technology Transformation;
- Raymond A. Elphick, CP's Assistant Vice President Service and Product Design;
- John F. Orr, KCS's Executive Vice President – Operations; and
- W. Robert Majure, Vice President, Cornerstone Research.

These witnesses will be accompanied by counsel for Applicants, David L. Meyer, of the Law Office of David L. Meyer, and William A. Mullins of Baker & Miller PLLC. Each of Applicants' witnesses will address the public benefits of the Transaction and the reasons why conditions sought by certain interested parties should not be granted, with each witness focusing on aspects within the scope of their prior testimony in this proceeding.

The Honorable Cynthia T. Brown
September 14, 2022
Page Two

Applicants anticipate that these witnesses will participate in Applicants' opening presentation, and Applicants' will reserve part of their time for a closing statement, in which some or all of the same witnesses will participate. Applicants reserve the right to present additional speakers (in person or via video) in their closing statement to address testimony or Board questions that arise during the course of the hearing.

Applicants request a total of 180 minutes for their opening presentation and closing statement, which they anticipate dividing equally between the two. This would allow for an average of approximately 12 minutes for each witness to address the key issues in his area on opening, and another 12 minutes as part of the closing statement (although some witnesses may use somewhat more time and others less). This allocation of time is appropriate given Applicants' burden to address the public interest benefits of their Transaction and the scope of the issues raised in this case.

Please contact me with any questions.

Respectfully submitted,



David L. Meyer

*Attorney for Canadian Pacific Railway
Limited*