

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36500

CANADIAN PACIFIC RAILWAY LIMITED, ET AL.
—CONTROL—
KANSAS CITY SOUTHERN, ET AL.

**BNSF RAILWAY COMPANY'S NOTICE OF INTENT
TO PARTICIPATE IN PUBLIC HEARING**

Pursuant to Decision No. 22 in this proceeding, BNSF Railway Company ("BNSF") hereby gives notice of its intent to participate in the public hearing scheduled for September 28, 29, and 30, 2022. BNSF will be represented in person by the following panelists:

- Roger P. Nober, Executive Vice President, Law and Corporate Affairs, Chief Legal Officer
- Courtney B. Estes, Assistant Vice President and Associate General Counsel
- Jon Gabriel, Vice President, Service Design and Performance
- Paul Hirsch, Assistant Vice President of the Mexico Business Unit
- Peter W. Denton, Partner at Steptoe & Johnson LLP (Outside Counsel)
- David Reishus, Ph.D., Executive Vice President at Compass Lexecon (Outside Consultant)

BNSF intends to address the issues and requested conditions set forth in its filings in these proceedings, including BNSF's opening comments filed on February 28, 2022 (BNSF-9), as amended on June 9, 2022 (BNSF-10), and BNSF's response comments filed July 12, 2022 (BNSF-12). In particular, BNSF will explain that:

- The Board must require Applicants to implement a proportional rate remedy and service assurances in order to maintain an open gateway at the U.S./Mexico border crossing at Laredo, thereby preserving effective interline competition over this critical gateway.
- The Board must take action to prevent a service crisis in Houston that could result from Applicants' refusal to formally study whether existing infrastructure is capable of handling the traffic volume increases projected by Applicants following the merger.
- The Board must declare that no third parties, including other rail carriers or shippers, should bear the costs for infrastructure improvements necessary to accommodate Applicants' merger traffic.

BNSF requests that its panel be allotted a total of one (1) hour.

Respectfully submitted,

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Dated: September 14, 2022