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ENTERED
Office of Proceedings
September 15, 2022
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Public Record

September 15, 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 briefly on behalf of Applicants in response to the Board's Decision No. 24 to advise the Board regarding Applicants' plans for responding to Metra's Motion to Strike and the approximately 50 additional pages of appended material that Metra filed on September 8, 2022 in the above-captioned proceeding (METR-14). See Decision No. 24 (served Sept. 13, 2022) at 2 n.4.

As the Board noted in Decision No. 24, the Board's procedural schedule both "allowed Applicants to file final 'responses' to other parties' comments" and "to close the record, without further rebuttal from commenters or parties seeking conditions," as is "the Board's typical practice in consolidation proceedings." Decision No. 24, at 3 (quoting *Norfolk Southern Ry. – Joint Control & Operating/Pooling Agreements – Pan Am Southern LLC*, Finance Docket No. 35147 (STB served July 21, 2008) at 5). Applicants' July 12 testimony addressed in Metra's new Motion to Strike constituted part of Applicants' "final response" to Metra's comments in this proceeding, whereas Metra's three efforts since July 12 to supplement the record with further argument and evidence from Metra's counsel and consultants plainly constitutes impermissible "further rebuttal." Applying these basic principles, METR-14 would be denied summarily and the content accompanying it stricken from the record.

Should Metra's Motion to Strike nonetheless remain pending as of September 28, Applicants intend to submit their Reply demonstrating why the contentions therein lack merit no

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later than that date, which is the deadline provided by the Board's rules. See 49 C.F.R. § 1104.13(a).

Please contact me with any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dan L Meyer", written in a cursive style.

David L. Meyer

*Attorney for Canadian Pacific
Railway Limited*

cc: All Parties of Record