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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 regarding the Notice of Intent to Participate in the Board's upcoming hearing in this proceeding submitted by Tavengwa Runyowa, as "Canadian legal counsel" for several individuals he claims to represent in several and unrelated litigation matters against CP and others, as well as separately against Canadian National and others. The topics of Mr. Runyowa's proposed hearing testimony are the same as those addressed in the improper ex parte materials addressed in Applicants' September 12 letter to the Board (CP-63/KCS-49), and for the same reasons, should not be permitted to participate in the hearing.

Setting aside the question of whether the topics of Mr. Runyowa's proposed testimony are appropriate for inclusion in the hearing, Applicants note that the Board's rules of practice preclude Mr. Runyowa's appearance before the Board on behalf of his clients. *See* 49 C.F.R. § 1103.2 (requiring persons to be "member[s] in good standing of the bar of the highest court of any State, Commonwealth, possession, territory, or the District of Columbia [to] represent persons before the Board"). Mr. Runyowa's website confirms that he is not a member of the bar of any U.S. state or other U.S. jurisdiction. *See* <https://www.runyowa.com/tavengwa-runyowa> (barred in the Law Society of Saskatchewan and the Law Society of Upper Canada).

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Please contact me with any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dan L. Meyer". The signature is fluid and cursive, with the first name "Dan" being more prominent.

*Attorney for Canadian Pacific
Railway Limited*

cc: All Parties of Record