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CN-22

October 21, 2022

By E-Filing

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

Re: Finance Docket No. 36500 & Sub-Nos. 1-4, *Canadian Pacific Railway Limited, et al.—Control—Kansas City Southern, et al.*

Dear Ms. Brown,

Canadian National Railway Company and its rail operating subsidiaries (collectively, “CN”) is respectfully submitting its Final Brief pursuant to Decision No. 31 in the above-referenced docket. Both a Confidential and a Public version of CN’s Brief are being filed.

CN respectfully requests leave to file two short appendices to its Final Brief, which total six pages of text. These appendices provide responses to the Board’s questions at the public hearing, and in particular to Chairman Oberman’s questions to CN and CP regarding whether trackage rights could be an alternative condition to full divestiture of the Springfield Line and whether the Board could craft a condition requiring negotiation of such a condition.¹ CN respectfully submits that these short appendices will aid the

¹ See Decision No. 32 at 2 (granting CP/KCS motion for leave to file appendices “[i]n order to allow Applicants to respond to the questions raised by the Board during the public hearing”).

Honorable Cynthia T. Brown
October 21, 2022
Page 2

CN-22

Board's evaluation of the potential trackage rights alternative that was discussed at the hearing.²

Respectfully submitted,

/s/ Raymond A. Atkins

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cc: Parties of Record in FD 36500

² CN notes that the body of its Final Brief is 28 pages without the signature block.