



Surface Transportation Board
Washington, D.C. 20423-0001

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ENTERED
Office of Proceedings
March 8, 2023
Part of
Public Record

MEMORANDUM

TO: Cynthia T. Brown, Chief, Section of Administration, Office of Proceedings

FROM: Robert E. Primus, Member

RE: Ex Parte Communication Related to Docket No. FD 36500

DATE: March 8, 2023

On March 8, 2023, I received an email from an anonymous individual expressing views related to the application by Canadian Pacific Railway Limited (Canadian Pacific) to purchase Kansas City Southern and its railroad affiliates (KCS). I have enclosed a copy of the email with this memorandum. Because Canadian Pacific filed a notice of intent to file an application to acquire KCS on March 23, 2021, and an application to acquire KCS on October 29, 2021, in Docket No. FD 36500, this communication is a prohibited ex parte communication pursuant to the Board's decision in Petition of Fieldston Co., Inc. to Establish Procedures Regarding Ex Parte Communication in Railroad Merger Proceedings, Docket No. EP 619 (STB served Jan. 8, 1997). Please place this memo and the enclosed material in the public docket of Docket No. FD 36500.

From: kcs68 <kcsm68@protonmail.com>

Sent: Wednesday, March 8, 2023 1:58:47 PM

To: Rail Customer and Public Assistance <RCPA@stb.gov>; Primus, Robert <Robert.Primus@stb.gov>

Subject: CPKC tip

Good day,

You may want to investigate the meeting that cp hosted with kcs from Feb 5 to 8 at the breakers hotel in palm beach Florida. some attendees viewed this event as early control based on the content and message shared by the cp execs.

Thank you.

Sent with [Proton Mail](#) secure email.