



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

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Meeting under Section 5, STB Reauthorization Act

June 29, 2021

Present: Members Begeman, Fuchs, Oberman, Primus, and Schultz
Staff Ian Anderson, Stephanie Borges, William Brennan, Jessica Caine,
Rachel Campbell, Ellen Erichsen, Amanda Gorski, Danielle Gosselin, Kim
Hillenbrand, Fred Horne, Craig Keats, Evelyn Kitay, Richard Klem, Adam
Kress, David Navecky, Lisa Novins, Robert Plum, Valerie Quinn, Vicki
Rutson, Janie Sheng, Michael Small, Julie Waddell, Scott Zimmerman

Topic: Docket No. FD 36500, Canadian Pacific Railway, et al.—Control—
Kansas City Southern, et al.

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

In this case, Canadian Pacific Railway (and associated entities) (CP) and Kansas City Southern (and associated entities) (KCS) notified the Board of their intent to file an application seeking authority under 49 U.S.C. §§ 11323-25 for CP to acquire control of KCS pursuant to a merger agreement reached between the parties. Although the merger agreement was subsequently terminated, CP notified the Board that it intends to move forward with its efforts to obtain authority to acquire KCS. At this meeting, staff and Board Members discussed issues relating to a petition for declaratory relief filed by CP concerning CP's continuing and future ability to access data from KCS.