



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

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Office of the General Counsel

Meeting under Section 5, STB Reauthorization Act

January 5, 2023

Present: Members Fuchs, Hedlund, Oberman, Primus, and Schultz
Staff Nathaniel Bawcombe, Stephanie Borges, Matthew Bornstein, William Brennan, Jessica Caine, Rachel Campbell, Anika Cooper, Patrick DeGraba, Christopher Diamond, Mai Dinh, Ellen Erichsen, Sarah Fancher, Danielle Gosselin, Jessica Grunberg, Kim Hillenbrand, Craig Keats, Evelyn Kitay, Adam Kress, Neil Moyer, Lisa Novins, Shelia Perry, Robert Plum, Valerie Quinn, Vicki Rutson, Jetta Sandin, Janie Sheng, Michael Small, Drew Van Denover, Charles Vance, Julie Waddell, and Joshua Wayland

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) filed an application seeking authority under 49 U.S.C. §§ 11323-25 for CP to acquire control of KCS. Canadian National Railway (in conjunction with its subsidiary Illinois Central Railroad) and Norfolk Southern Railway each filed a responsive application. At this meeting, Board members and staff discussed relevant statutes, regulations, and precedent and the parties' applications, comments, responses to comments, and final briefs in connection with the Board's consideration of the applications, with a focus on data methodology, operations, and competition.