

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

306959

ENTERED
Office of Proceedings
August 14, 2023
Part of
Public Record

August 14, 2023

VIA E-FILING

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

Re: Docket No. FD 35068, *Soo Line Railroad Company d/b/a Canadian Pacific Railway—Acquisition and Operation Exemption—BNSF Railway Company*

Dear Ms. Brown:

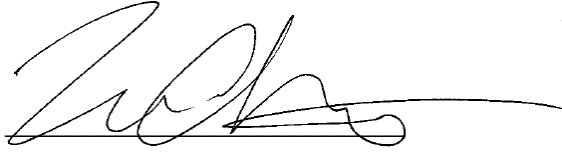
BNSF¹ hereby replies to CPKC's letter filed on July 28, 2023 in the above-referenced proceeding. In its letter, CPKC again asks the Board to impose the terms of CPKC's Supplemental Proposal, filed over a year ago on June 6, 2022.

As I stated in BNSF's reply filed on June 27, 2022, the draft Haulage Agreement filed by CPKC with its Supplemental Proposal is unacceptable to BNSF. CPKC's proposal provides for a six-month trial period that can only be unilaterally terminated by CPKC, as well as significant financial penalties and the ability for CPKC to suspend haulage service in the event BNSF's interchange is delayed for any reason. BNSF continues to believe that our proposal filed on March 1, 2021, for a long-term agreement to interchange unit trains at Minot for CPKC haulage to NCA, most closely comports with the Board's direction in the Reopening Decision to provide NCA "with a level of service commensurate with the broad representations underlying the Board's 2007 Decision." *Reopening Decision*, slip op. at 6.

¹ The defined terms used in this Reply are the same as those used in BNSF's New Century Ag Service Proposal filed in this proceeding on March 1, 2021.

Ms. Cynthia T. Brown
August 14, 2023
Page 2

Respectfully submitted,

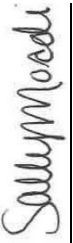
A handwritten signature in black ink, appearing to read 'P. Denton', with a long horizontal flourish extending to the right.

Peter W. Denton
Attorney for BNSF Railway Company

cc: All parties of record

CERTIFICATE OF SERVICE

I certify that I have, on August 14, 2023, served copies of this letter upon all parties of record in this proceeding, by electronic mail.

A handwritten signature in cursive script, reading "Sally Mordi", positioned above a horizontal line.

Sally Mordi
Attorney for BNSF Railway Company