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November 27, 2023

CPKC-9

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

VIA E-FILING

Re: *Canadian Pacific Kansas City Limited and The Kansas City
Southern Railway Company, d/b/a CPKC—Acquisition and Operation— Certain Rail Line of
Meridian & Bigbee Railroad, L.L.C. in Lauderdale County, Mississippi and Choctaw and
Marengo Counties, Alabama*
Finance Docket No. 36732

Dear Ms. Brown:

On November 20, 2023, Illinois Central Railroad Company (“CN”) filed a letter in support of Norfolk Southern’s (“NS”) Motion to Redesignate the Highly Confidential Designation of Certain Materials in the above docket (“Motion to Redesignate”). According to CN, its executives need to see the competitively-sensitive data in order to assess the potential operational impacts “on CN’s own freight traffic and Amtrak’s passenger trains” where CN’s line crosses the Meridian Speedway in Jackson, Mississippi. On its face, CN’s assertion makes no sense and should be rejected.

All of the information that CN would need to determine the potential operational implications are in the public record. Those data include the estimated, incremental transaction-related train count, length, and weight, as well as the train schedule for arriving and departing Jackson. *See e.g.*, CPKC Application (CPKC-2) at Exhibit 15 – Operating Plan Minor and Exhibit 4 – Environmental Information, Table 1; CPKC Supplemental Information at 14-15.

Even if CN thinks that CPKC’s estimated two trains daily (one in each direction) somehow underestimates the volumes that would be attracted to a CPKC-CSXT interline service via Myrtlewood, nothing in the competitively-sensitive data CN asks the Board to disclose would aid in evaluating either the existence or magnitude of such an underestimation. However, as explained in CPKC’s Reply to NS’s Motion to Redesignate, disclosure of such competitively-sensitive data to CPKC’s competitors is likely to cause competitive harm. CPKC Reply (CPKC-6) at 7.

In any event, CPKC has scheduled its trains to maintain fluid operations through Jackson. CN owns and controls the Jackson interlocker and we trust will likewise manage operations through the interlocker to ensure efficient and fluid operations and in accordance with its obligation under CN’s agreement with KCS (as designated operator for the Meridian Speedway) governing the interlocker. Further, should issues related to use of the interlocker arise, the parties may address them within the context of the agreement.

CN, like NS, has not demonstrated a countervailing legitimate need to disclose the data in-house to CPKC’s competitors, let alone a need that outweighs the very real risk of competitive harm from disclosure.

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Sincerely,

Stinson LLP

/s/ David F. Rifkind

David F. Rifkind

DFR

cc: Parties of Record
Secretary of Transportation
Attorney General of the United States