



307686

ENTERED
Office of Proceedings
December 20, 2023
Part of
Public Record

CPKC-13
David Rifkind
PARTNER

DIRECT: 202.969.4218
OFFICE: 612.335.1500

David.Rifkind@stinson.com

December 20, 2023

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; FD No. 36732; CSX Transportation, Inc. – Acquisition and Operation – Rail Line of Meridian & Bigbee Railroad, L.L.C., FD No. 36727*

Dear Ms. Brown:

In accordance with the Board's Decision No. 5, attached for filing is Applicants Canadian Pacific Kansas City Limited and The Kansas City Southern Railway Company's cover letter to Administrative Law Judge Thomas McCarthy, detailing the enclosed CPKC filings and documents in the above-referenced dockets.

Please let me know if you have any questions.

Sincerely,

Stinson LLP

/s/ David F. Rifkind

David Rifkind

DFR:kr

Attachments

cc (Parties of Record; Secretary of Transportation; Department of Justice)

December 20, 2023

The Honorable Judge Thomas McCarthy
Administrative Law Judge
Federal Mine Safety and Health Review Commission
1331 Pennsylvania Avenue, N.W.
Suite 520N
Washington, DC 20004- 1710

EMAIL AND FIRST CLASS MAIL

cbrightwell@fmshrc.gov
ctolbert@fmshrc.gov

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; FD No. 36732; CSX Transportation, Inc. – Acquisition and Operation – Rail Line of Meridian & Bigbee Railroad, L.L.C., FD No. 36727*

Dear Judge McCarthy:

In compliance with the Board's Decision No. 5 served on December 19, 2023, in 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, FD 36732 and CSX Transportation, Inc. – Acquisition and Operation – Rail Line of Meridian & Bigbee Railroad, L.L.C., FD 36727,¹ please find enclosed all filings submitted by Applicants Canadian Pacific Kansas City Limited and The Kansas City Southern Railway Company, d/b/a CPKC in the above-referenced proceedings. Enclosures include the versions of filings and documents designated as public, confidential, and highly confidential. Below please find an index of the enclosed:

Date	Filing/Document ²
September 28, 2023	CPKC's Motion for Protective Order
October 6, 2023	CPKC's Application for a Minor Transaction

¹ The Board's decisions embrace the following dockets: Alabama & Gulf Coast Railway— Trackage Rights Exemption—CSX Transportation, Inc., Docket No. FD 36724; Meridian & Bigbee Railroad—Discontinuance of Incidental Overhead Trackage Rights—in Lowndes & Montgomery Counties, Ala., Docket No. AB 1335X; CSX Transportation, Inc.— Discontinuance of Trackage Rights Exemption—in Marengo & Choctaw Counties, Ala. & Lauderdale County, Miss., Docket No. AB 55 (Sub-No. 814X); Alabama & Gulf Coast Railway—Trackage Rights Exemption—Kansas City Southern Railway d/b/a Canadian Pacific Kansas City, Docket No. FD 36731; CSX Transportation, Inc.—Trackage Rights Exemption— Kansas City Southern Railway, Docket No. FD 36730.

² Unless stated otherwise, CPKC submitted filings in 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, FD 36732.

October 11, 2023	CPKC's Submission of Additional Statements Supporting Proposed Transaction
October 27, 2023	CPKC'S Reply to Combined Norfolk Southern Notice of Intent to Participate and Request to Hold CPKC/CSXT Transcon Corridor Transaction in Abeyance
November 1, 2023	CPKC's Reply to CN's Motion for Leave to Reference Earlier Submitted Response/Reply
November 13, 2023	CPKC's Reply to NS's Motion to Redesignate the Highly Confidential Designation of Certain Materials
November 13, 2023	Certificate of Service of Canadian Pacific Kansas City Limited And The Kansas City Southern Railway Company, d/b/a CPKC
November 21, 2023	CPKC's Supplemental Information
November 22, 2023	CPKC's Responses and Objections to Norfolk Southern's First Set of Discovery Requests
November 27, 2023	CPKC's Reply to Norfolk Southern's Update on the Status of Discovery
November 27, 2023	CPKC's Reply to Illinois Central Railroad Company's Letter in Support of Norfolk Southern's Motion to Redesignate the Highly Confidential Designation of Certain Materials
November 27, 2023	CPKC's Notice of Intent to Participate ³
December 8, 2023	CPKC's Reply to the Combined Norfolk Southern Motion to Allow for Completion of Discovery and Amend the Procedural Schedule
December 11, 2023	Public, Confidential and Highly Confidential versions of Applicants Canadian Pacific Kansas City Limited and The Kansas City Southern Railway Company's Reply to NS's Motion to Redesignate the Highly Confidential Designation of Certain Materials
December 11, 2023	Public, Confidential and Highly Confidential versions of Applicants Canadian Pacific Kansas City Limited

³ CPKC filed its Notice of Intent to Participate in CSX Transportation, Inc. – Acquisition and Operation – Rail Line of Meridian & Bigbee Railroad, L.L.C., FD 36727.

	and The Kansas City Southern Railway Company's Application
December 13, 2023	CPKC's Responses to Norfolk Southern's Second Set of Discovery Requests
December 13, 2023	CPKC's First Set of Discovery Requests Directed to Norfolk Southern

Please let me know if you have any questions.

Sincerely,

Stinson LLP

/s/ David F. Rifkind

David Rifkind

DFR:kr

CC: Parties of Record (without enclosures)
Surface Transportation Board (without enclosures)