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EXPEDITED CONSIDERATION REQUESTED

ENTERED
Office of Chief Counsel
September 2, 2025
Part of
Public Record

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BY ELECTRONIC FILING

Chief of Case Administration, Office of Chief Counsel
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423-0001

Re: Finance Docket No. 36873, *Union Pacific Corp., et al. – Control – Norfolk Southern Corp., et al.*

Dear Chief of Case Administration:

I am writing on behalf of Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City and CPKC and its U.S. rail carrier subsidiaries (collectively “CPKC”),¹ to address appropriate procedures for responses by CPKC and other interested parties to Applicants’ “Motion to Permit Stakeholder Communications in Accordance with 49 U.S.C. § 11324(f)” (UP-4/NS-4), which was served on counsel for CPKC last Friday afternoon. CPKC intends to respond to Applicants’ motion, but it believes that such a response would be most useful to the Board if wrapped into CPKC’s comments on the broader procedural schedule in this case.

Whatever path the Board chooses to take with respect to permissible ex parte communications—e.g., whether to allow them at all, the timing of any such communications, allowable content, and other matters—there is no doubt that the potential for ex parte communications should not be skewed in favor of Applicants and should not interfere with the orderly and fair development of an evidentiary record supporting the Board’s decision making in this important matter. CPKC will have views on how ex parte communications can best be woven into an orderly and fair process, but those views will inevitably be somewhat interdependent with the structure of the Board’s procedural schedule in this case. Addressing the

¹ CPKC’s U.S. rail carrier subsidiaries include Soo Line Railroad Company; Central Maine & Quebec Railway US Inc.; Dakota, Minnesota & Eastern Railroad Corporation; Delaware & Hudson Railway Company, Inc.; The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company.

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issues piecemeal likely would create unnecessary burdens and interfere with the Board's timely adoption of appropriate procedures to govern this proceeding.

CPKC accordingly asks the Board to confirm—either in an order soliciting comments on a proposed procedural schedule or in a separate order addressing this request—that CPKC and other parties may defer a response to Applicants' Motion (or accelerate that response, as the case may be) so as to coincide with the date on which comments on the procedural schedule are due.

Respectfully submitted,



David L. Meyer

Attorney for CPKC

cc: All Parties of Record