

BEFORE THE SURFACE TRANSPORTATION BOARD

Docket No. FD 36873

ENTERED
Office of Chief Counsel
November 20, 2025
Part of
Public Record

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

Joint Comments of Shipper Associations
on Proposed Procedural Schedule

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Dated: November 20, 2025

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The American Chemistry Council (ACC), American Fuel & Petrochemical Manufacturers (AFPM), Alliance for Chemical Distribution (ACD), National Industrial Transportation League (NITL), and The Fertilizer Institute (TFI) (collectively, Joint Shipper Associations) respectfully submit these comments in response to the “Notice of Proposed Procedural Schedule and Request for Comments” that the Surface Transportation Board (STB or Board) served in this docket on September 26, 2025.

While Joint Shipper Associations support the Board’s recent efforts to streamline its procedures and increase the speed of adjudications, this merger proceeding is unique in scope and legal and commercial impact, and it demands a thorough procedural schedule. The proposed transaction constitutes the largest rail merger in U.S. history and the first major transaction the Board will decide under its 2001 merger rules¹ (the 2001 Merger Rules) that impose a heightened, competition-enhancing public interest test. The record will necessarily grapple for the first time with cumulative impacts, crossover effects, and enhanced competition. It also must examine claimed efficiencies under heightened scrutiny. The Applicants’ own descriptions underscore the stakes: a combined enterprise valued over \$250 billion, controlling over 50% of traffic in key commodity sectors such as chemicals, metals, and lumber, and a 50,000 route-mile footprint across 43 states. Approval would invite “end game” consolidation and risks a transcontinental railroad duopoly, with profound implications for captive shippers on Applicants’ and

¹ *Major Rail Consolidation Procedures*, 5 S.T.B. 539 (2001).

other carriers' lines. These issues are not routine; they pose critical questions that will shape the future of the national freight rail system.

Against that backdrop, the Board's proposed procedural schedule is too short to permit careful, thorough review commensurate with the transaction's importance. Fully and fairly developing the record will require extensive discovery, expert analysis of the combined network, careful review of claimed efficiencies and service integration plans, and meaningful opportunities to comment along the way. Extending the procedural schedule and adding opportunities to comment will allow the Board to appropriately consider novel issues of first impression under the modern merger framework and set sound precedent in a case that could irrevocably reshape the industry. The Joint Shipper Associations thus urge the Board to adopt a strengthened procedural schedule as follows:

- Use the full 365-day evidentiary period that the statute authorizes.
- Hold a public hearing and provide post-hearing briefing to ensure a complete record; schedule the hearing at F+350-354, opening post-hearing briefs at F+375, and reply post-hearing briefs at F+395, and close the record after replies.
- Extend opening and response intervals to permit meaningful participation, discovery, and expert analysis: opening comments and responsive/inconsistent applications due at F+140, and responses (including to DOJ/DOT) due at F+245.
- Provide a targeted sur-reply opportunity for non-Applicants at F+305 limited to new matters that responses raise, and move rebuttals supporting the primary and responsive/inconsistent applications to F+335 so that Applicants retain the final word consistent with their burden of proof.
- If the Board permits ex parte communications, limit them to narrow windows that end no later than halfway to the next filing or 10 days before that filing (whichever is earlier), and prohibit ex parte communications after the hearing to protect post-hearing briefing.

Joint Shipper Associations provide their proposed procedural schedule and a redline comparison to the Board's proposed schedule in Appendix 1.

These proposed changes do not limit the Board's flexibility to manage the record, since it will have opportunities to adjust the procedural schedule to address unforeseen circumstances. They also do not restrict the Board's ability to issue a decision by the statutory deadline because the Board may conduct incremental analysis as parties file submissions. Instead, these changes avoid compressed deadlines that would undermine the Board's evaluation of this transformative merger. Joint Shipper Associations thus urge the Board to adopt them.

I. The Board should use the full statutory evidentiary period.

The Board should adopt a procedural schedule that uses the full 365-day evidentiary period that Congress authorized.² Doing so best serves the public interest, without hampering the Board's ability to issue a final decision within 90 days after the record closes.

This proposed transaction warrants using the maximum time to develop the record. It is unprecedented in scale, scope, and potential impact on competition, service, and the rail industry. The merger creates "a combined enterprise of over \$250 billion," spanning 50,000 route miles across 43 states.³ This behemoth would

² 49 U.S.C. § 11325(b)(3). *See also* BNSF-4 at 4 (proposing a 395-day evidentiary period); CPKC-5 at 25 (proposing a 360-day evidentiary period); CN-5, Appendix A (proposing a 300-day evidentiary period); FRCA-2 at 4 (proposing the Board extend the procedural schedule "to the maximum extent possible"); CSXT-3 at 4-6 (proposing the Board use the full one-year statutory evidentiary period).

³ Press Release, *Union Pacific and Norfolk Southern to Create America's First Transcontinental Railroad*, UNION PACIFIC (July 29, 2025),

control over 50% of the market share in chemicals, metals, and lumber.⁴ Additionally, if the Board approves this merger, it will invite “end game” consolidation that transforms the rail industry into two transcontinental railroads. Shippers—especially captive shippers—face real risks of higher rates, reduced service options, and network disruptions from this merger and its downstream effects. These issues demand careful analysis, not compressed deadlines.

The 2001 Merger Rules reinforce the need to use the full statutory evidentiary period here. This constitutes the first merger that the Board will decide under the 2001 Merger Rules, which represent “a significant change” from how the Board has addressed all past mergers, placing a “heavier burden” on applicants to show that their merger serves the public interest.⁵ For example, the 2001 Merger Rules emphasize the need for mergers to enhance competition and require consideration of cumulative impacts and crossover effects. These issues are not just complex; the Board and interested parties will evaluate them in this merger for the first time. Applicants, interested parties, and the Board will likely need multiple rounds of evidence to fully evaluate these issues. Further, the Board’s resolution of these issues in this merger will set the standard for a likely follow-on merger that

<https://www.up.com/press-releases/growth/norfolk-southern-transcontinental-nr-250729>.

⁴ *Id.*; *Talking Points: Costly, Unnecessary, Anti-Competitive and Bad for the U.S. Economy*, BNSF RAILWAY (Sept. 29, 2025), <https://www.bnsf.com/bnsf-resources/news-media/customer-notifications/pdf/2025-09-29%20BNSF%20Merger%20Position.pdf>.

⁵ *Major Rail Consolidation Procedures*, 5 S.T.B. at 546.

will completely transform the rail industry. A first-of-its-kind application under an enhanced standard requires caution and thoroughness. A longer evidentiary period gives the Board the best chance to “get it right” and set sound precedent.

Using the full evidentiary period also ensures full participation and a complete record. The Board’s own regulations encourage full participation from federal, state, and local government departments and agencies; affected shippers, carriers, and rail labor; and other interested parties.⁶ Shippers and other interested parties will need time to obtain and analyze traffic data, service metrics, interchange effects, capacity constraints, and integration plans. They will also need time to evaluate comments and analyses submitted to the Board and update their views as the record develops. Also, this proceeding will involve discovery, which will be iterative. Given the unprecedented scale and potential impacts of this proposed merger, the compressed timelines in the proposed procedural schedule will impair the full participation necessary to produce a complete, well-developed record.

Additionally, using the full statutory period does not constrain the Board’s flexibility to address issues that arise during the evidentiary phase or reduce the time available for preparing its final decision. First, the Board can incrementally analyze the merger as parties build the record. Second, under Joint Shipper Associations’ proposed procedural schedule, the Board and all parties benefit from additional rounds of briefing, which allow for a more thorough examination of the complex issues presented by a transaction of this scale. This approach ensures that

⁶ 49 C.F.R. § 1180.1(m).

the Board and interested parties can address an evolving record and that the Board's decision reflects the full range of interested party input. Third, Joint Shipper Associations' proposed procedural schedule offers several opportunities for adjustments to address unforeseen events without unnecessarily limiting participation. For these reasons, the Board should adopt a procedural schedule that uses the full statutory evidentiary period. This approach suits the transaction's scale and ensures a complete and reliable record for decision.

II. The Board should provide for a hearing and post-hearing briefing.

A hearing and post-hearing briefing are necessary for this unique transaction. The hearing allows the Board to engage in important public dialogue with interested parties, which the Board found necessary in the Canadian Pacific/Kansas City Southern and CSX/Pan Am merger proceedings⁷—transactions that were less impactful and subject to the Board's less rigorous pre-2001 merger rules. Additionally, post-hearing briefs allow for follow-up on evidence and matters discussed during the hearing, helping to ensure a full record.

The Joint Shipper Associations propose the following hearing sequence: pre-hearing summaries at F+345; a public hearing at F+350-354; opening post-hearing briefs at F+375; and reply post-hearing briefs at F+395, at which point the record would close. This structure, which aligns with the hearing intervals that Canadian

⁷ *Canadian Pac. Ry.—Control—Kan. City S.*, FD 36500 et al., slip op. at 2 (STB served July 22, 2022); *CSX Corp.—Control—Pan Am Rys.*, FD 36472 et al. (STB served Dec. 10, 2021).

Pacific Railway Co. (CPKC) has proposed,⁸ gives the Board focused advocacy through witness testimony, agency questioning, and supplemental briefing on questions, new evidence, and new arguments that often arise during hearings.

Under 49 U.S.C. § 11324(a), the Board must hold a public hearing in this proceeding unless it finds that the hearing is unnecessary in the public interest. Given the unique and significant nature of this merger, which presents a transformative “end game” scenario leading to a transcontinental freight rail duopoly and involves the first application of the Board’s 2001 Merger Rules, the public interest clearly requires a hearing.⁹

Pre-hearing summaries are imperative for a productive hearing.¹⁰ The summaries need not be long,¹¹ and would provide an overview of the evidence and arguments that the parties intend to address during the hearing. The summaries would aid the Board in preparing more focused questions to ask during the hearing and would help ensure that hearing participants are prepared to address argument and evidence of other participants.

Additionally, post-hearing briefing is especially important. It allows parties to summarize testimony, address factual questions that arise during the hearing,

⁸ See CPKC-5 at 22-25, Table 2.

⁹ See CN-5 at 12 (proposing the Board hold a hearing); CPKC-5 at 22 (same); BNSF-4 at 8-9 (same); CSXT-3 at 8-9 (same).

¹⁰ See CPKC-5 at 24-25 (proposing pre-hearing summaries); BNSF-4 at 8-9 (same); CN-5 at 12 (same); CSXT-3, Appendix A (same).

¹¹ See CPKC-5 at 24 n.33 (suggesting that pre-hearing summaries be “5-10 page[s]”).

and answer the legal questions that Board members feel require additional development. Given the unprecedented scale of this transaction and the intensive analysis the 2001 Merger Rules require, the hearing will likely involve many factual issues and legal issues of first impression. Post-hearing briefing would allow a full record on issues that matter most to the decision.

There is precedent for post-hearing briefing. The Board allowed post-hearing submissions in both *CSX/Pan Am* and *CPKC*.¹² In *CSX/Pan Am*, the Board held the record open after the hearing to allow parties “to respond to something new that [they] hadn’t heard before.”¹³ When the Board scheduled the hearing in *CPKC*, it intentionally postponed final briefs until after the public hearing.¹⁴ The Board also permitted post-hearing briefing in other contexts involving complex operational and legal issues, such as in Docket No. EP 711 (Sub-No. 1).¹⁵ Like here, these proceedings involved complex issues that naturally lead to new arguments and evidence being presented during hearings. Post-hearing briefing provided an

¹² *Canadian Pac. Ry.—Control—Kan. City S.*, FD 36500 et al., slip op. at 3 (STB served July 22, 2022); *CSX Corp.—Control—Pan Am Rys.*, FD 36472 et al., slip op. at 3 (STB served Dec. 10, 2021).

¹³ *CSX Corp.—Control—Pan Am Rys.*, FD 36472 et al., Hearing Transcript at 813 (Jan. 14, 2022).

¹⁴ *Canadian Pac. Ry.—Control—Kan. City S.*, FD 36500 et al., slip op. at 2 (STB served July 22, 2022) (“[T]he Board finds that it would be beneficial to receive final briefs after the public hearing.”).

¹⁵ *Reciprocal Switching*, EP 711 (Sub-No. 1) (STB served March 23, 2022).

important opportunity for interested parties to provide specific analysis on these new developments, ensuring a full record.¹⁶

A hearing, pre-hearing summaries, and post-hearing briefing are critical for ensuring a full record in this complex proceeding and are fully consistent with the statute. The Board should thus adopt Joint Shipper Associations' hearing, pre-hearing summaries, and post-hearing briefing proposal.

III. The Board should extend the periods for opening and responsive comments.

Longer intervals for opening and responsive comments are necessary to build a complete record and ensure meaningful participation by shippers and other interested parties.

To address this need, opening comments and responsive/inconsistent applications should be due at F+140. This provides an additional 20 days beyond the Board's proposed procedural schedule. Responses to comments and responsive/inconsistent applications should be due at F+245, providing an additional 15 days beyond the Board's proposal (105 days total). These deadlines better align the procedural schedule with the scale and complexity of this merger. They also allow ample time for a hearing and post-hearing briefing.

Extended comment periods provide important benefits for this proceeding. First, they allow sufficient time to conduct discovery and ensure data transparency.

¹⁶ See CN-5 at 12-13 (proposing post-hearing briefing 20 days after hearing); CPKC-5 at A1 (proposing two rounds of post-hearing briefing); BNSF-4 at 8-9 (proposing post-hearing briefing); CSXT-3 at 8-9, Appendix A (proposing two rounds of post-hearing briefing).

Merger proceedings involve extensive discovery, the vast majority of which cannot occur until after the applicants file their application. This merger presents greater discovery needs than past mergers since it is the first merger under the 2001 Merger Rules, which call for closer examination of claims of improved carrier efficiency and of the potential for transitional service disruptions.¹⁷ The 2001 Merger Rules also require considering for the first time in any merger whether the transaction will enhance competition and its downstream effects.¹⁸ Also, parties need ample time to work through data issues. For example, ACC has already found what appear to be missing data from Applicants' traffic tapes and is attempting to resolve this discrepancy with the Applicants.¹⁹

Second, they support experts' work needed under the heightened scrutiny that the Board will apply to this transaction under the 2001 Merger Rules. Experts must build models of Applicants' extensive combined rail network to identify potential service harms and validate efficiency claims. They also must identify the scope and nature of competitive impacts. This requires significant time and data up front—more than an initial period of F+120 provides. It also increases time

¹⁷ *Major Rail Consolidation Procedures*, 5 S.T.B. at 552.

¹⁸ 49 C.F.R. § 1180.1(c), (i).

¹⁹ See Appendix 2; see also CN-5 at 6-7 (alleging that Applicants have failed to produce a substantial amount of material in response to discovery requests); BNSF-4 at 12 (detailing Applicants' dilatory tactics in discovery); CPKC-5 at 15 n.19 (stating that "Applicants have produced next to nothing" in response to discovery requests).

demands for responses, where experts must address the new arguments and evidence presented on opening.

Third, they support developing conditions. Parties need time to propose, refine, and support mitigation measures with evidence. Although Joint Shipper Associations do not believe that any conditions will ameliorate the competition and service harms from this merger, they still must analyze the conditions that Applicants propose and explore the extent to which additional conditions are necessary and will be effective.

Applicants initially argued that 90-day comment windows, like those in the Board's proposed schedule, are "in line" with past mergers.²⁰ That is not the standard, and this merger is not in line with past mergers. The statute and the Board's rules call for a robust public interest review on the record. Moreover, this would be the largest merger, by far, posing a high risk of remaking the freight rail landscape. Developing the record in this proceeding will require time. Extending opening and responsive periods will improve the quality of evidence and help the Board as it addresses many issues under the 2001 Merger Rules for the first time.

The Board should adopt Joint Shipper Associations' extended timelines at F+140 and F+245. These intervals promote the public interest in a well-developed

²⁰ UP-2/NS-2 at 2 (July 30, 2025). Applicants have since proposed compressing the procedural schedule even further, giving interested parties just 75 days from the Board's notice of acceptance of the application to file opening comments, and 75 days for responses. UP-7/NS-7 at 6 (Oct. 20, 2025). Applicant's would have the record close in under 9 months from filing their application, using just over half of the time Congress allotted for developing the record. *Id.* For all the reasons stated in these comments, the Board should deny this request.

record, provide a meaningful opportunity for participation, and allow ample time for a hearing and post-hearing briefing.

IV. The Board should provide an opportunity for sur-replies to responsive comments.

The Board should provide a limited sur-reply opportunity after responses, as CPKC and BNSF propose.²¹ This safeguard ensures fairness when responses introduce new material, which will likely occur in this complex proceeding.

Joint Shipper Associations propose an opportunity at F+305 for sur-replies by non-Applicants. Sur-replies should be limited to genuinely new analyses, data, or theories raised in the responses to comments. This narrow scope prevents unnecessary briefing, while protecting the record's integrity from parties that withhold evidence until their responsive comments. To facilitate the sur-reply and provide Applicants with the last word, consistent with the burden of proof, Joint Shipper Associations also propose moving rebuttals in support of the primary application and responsive, including inconsistent, applications to F+335 (30 days after sur-replies).

A sur-reply is especially useful here, given the proceeding's complexity. Since this proceeding involves the first review of a merger under the 2001 Merger Rules, the relevance of information and arguments may not become apparent until the response phase, after parties have had an opportunity to review opening comments. However, without a chance to address new content in responses, interested parties

²¹ CPKC-5 at 17; BNSF-4, Appendix A.

are left with no meaningful avenue to rebut it. A targeted sur-reply opportunity corrects that imbalance.

Including a sur-reply opportunity is a measured step that promotes a complete evidentiary record. The Board should thus include a sur-reply opportunity, as Joint Shipper Associations propose.

V. If the Board allows ex parte communications, it should limit them to narrow windows that preserve interested parties' ability to respond.

Joint Shipper Associations worry that liberal ex parte communications invite private advocacy that meeting summaries do not effectively convey. Allowing these communications too close to a filing deadline would shield them from public scrutiny. To avoid this result and ensure a fair and open proceeding, Joint Shipper Associations propose that, if the Board allows ex parte communications, it limit them to windows beginning with each submission and ending halfway to the next submission or hearing, or 10 days before that submission or hearing, whichever is earlier. This would enable interested parties to respond to any ex parte communications in their next comments before the Board. In addition, no ex parte communications should be permitted after the hearing since post-hearing briefing is intended only to address the hearing record. The following table depicts the proposed ex parte communication windows:

Submission/Event	Joint Shipper Associations' Proposed Schedule	Ex Parte Communication Window
Application	F	F+1 to F+70
Comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or any related application(s) due (except filings from DOJ and DOT). Responsive, including inconsistent, applications due.	F+140	F+141 to F+193
Responses to comments (including those of DOJ and DOT, if any), protests, requests for conditions, and other opposition due. Responses to responsive, including inconsistent, applications due.	F+245	F+246 to F+275
Sur-replies due.	F+305	F+306 to F+320
Rebuttal in support of the primary application and any related application(s) due. Rebuttals in support of responsive, including inconsistent, applications due.	F+335	F+336 to F+340
Public hearing.	F+350-354	None

Conclusion

For these reasons, the Board should adopt a procedural schedule that uses the full statutory 365-day evidentiary period, provides meaningful periods for opening and responsive submissions, includes a targeted sur-reply opportunity, and ensures a public hearing with post-hearing briefing, so that the record in this unprecedented, first proceeding under the 2001 Merger Rules is complete. Additionally, it should limit ex parte communications to narrow windows that help protect interested parties' opportunity to address them in a subsequent filing.

Providing a narrower timetable and more liberal ex parte communication opportunities would shortchange the public-interest inquiry the statute demands and risk entrenching irreversible harms to competition and service that would acutely affect captive shippers. Ultimately, the Board should choose a procedural schedule that gives itself, and all interested parties, the opportunity to get this right.

Respectfully submitted,

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Dated: November 20, 2025

Appendix 1

Joint Shipper Associations' Proposed Procedural Schedule

F	Primary application and any related application(s) filed.
F+30	Board notice of acceptance of primary application and any related application(s) to be published in the <i>Federal Register</i> .
F+45	Notices of intent to participate due.
F+60	Proposed Safety Integration Plan (SIP) due.
F+75	Descriptions of anticipated responsive, including inconsistent, applications due. Petitions for waiver or clarification with respect to such applications due.
F+115	Responsive environmental information and environmental verified statements for responsive, including inconsistent, applicants due.
F+140	Comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or any related application(s) due (except filings from DOJ and DOT). Responsive, including inconsistent, applications due.
F+155	Preliminary comments from DOJ and DOT, if any, due.
F+170	Notice of acceptance of responsive, including inconsistent, applications, if any, published in the <i>Federal Register</i> .
F+245	Responses to comments (including those of DOJ and DOT, if any), protests, requests for conditions, and other opposition due. Responses to responsive, including inconsistent, applications due.
F+305	Sur-replies due (by parties other than primary Applicants, responsive only to new material in responses to comments, protests, requests for conditions, and other opposition and response to responsive, including inconsistent, applications).
F+335	Rebuttal in support of the primary application and any related application(s) due. Rebuttals in support of responsive, including inconsistent, applications due.
F+345	Pre-hearing summaries of position and supporting evidence due.
F+350-354	Public hearing.
F+375	Opening post-hearing briefs due.
F+395	Reply post-hearing briefs due. (Close of the record.)
TBD	Service date of final decision.

Redline Showing Joint Shipper Associations' Proposed Changes to STB's Proposed Procedural Schedule

F	Primary application and any related application(s) filed.
F+30	Board notice of acceptance of primary application and any related application(s) to be published in the <i>Federal Register</i> .
F+45	Notices of intent to participate due.
F+60	Proposed Safety Integration Plan (SIP) due.
F+75	Descriptions of anticipated responsive, including inconsistent, applications due. Petitions for waiver or clarification with respect to such applications due.
F+115	Responsive environmental information and environmental verified statements for responsive, including inconsistent, applicants due.
F+ 120 +140	Comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or any related application(s) due (except filings from DOJ and DOT). Responsive, including inconsistent, applications due.
F+ 135 +155	Preliminary comments from DOJ and DOT, if any, due.
F+ 150 +170	Notice of acceptance of responsive, including inconsistent, applications, if any, published in the <i>Federal Register</i> .
F+ 210 +245	Responses to comments (including those of DOJ and DOT, if any), protests, requests for conditions, and other opposition due. Rebuttal in support of the primary application and any related application(s) due. Responses to responsive, including inconsistent, applications due.
<u>F+305</u>	<u>Sur-replies due (by parties other than primary Applicants, responsive only to new material in responses to comments, protests, requests for conditions, and other opposition and response to responsive, including inconsistent, applications).</u>
F+ 240 +335	<u>Rebuttal in support of the primary application and any related application(s) due.</u> Rebuttals in support of responsive, including inconsistent, applications due.
F+ 270 +345	Final briefs <u>Pre-hearing summaries of position and supporting evidence</u> due.
<u>F+350-354</u>	<u>Public hearing.</u>
<u>F+375</u>	<u>Opening post-hearing briefs due.</u>
TBD <u>F+395</u>	Public hearing (if necessary) <u>Reply post-hearing briefs due.</u> (Close of the record.)
TBD	Service date of final decision.

Appendix 2

November 13, 2025

Via e-mail

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Re: *Union Pacific Corp. et al.—Control—Norfolk Southern Corp. et al.*, STB Docket No. FD 36873;
Third Request for Information

Dear Counsel:

I write to request traffic tape information for the above-referenced proceeding before the Surface Transportation Board (“STB”). This request supersedes our November 7 request. In that request, we listed six types of information from the appendix in Decision No. 2 that we were unable to identify in the traffic tape data Applicants provided. Upon further review of the traffic tape data, we are unable to identify other information that the STB ordered Applicants to produce in their 100% traffic tapes. The complete list of missing information, including the information we requested on November 7, is:

1. Sold to party name;
2. Payer party name;
3. If a third party has contracted for the service (e.g., steamship line), their name;
4. A timestamp indicating when the shipment was released to the railroad;
5. Applicable fuel surcharge rate (e.g., rate per car mile, percentage rate);
6. Applicable fuel surcharge basis fuel price (e.g., No. 2 Diesel Retail Sales by All Sellers, On-Highway Diesel, Highway Diesel Fuel);
7. Revenue from other surcharges broken down by surcharge type;
8. The contract, agreement, tariff, pricing authority, etc., that the shipment is billed under, including the amendment and item numbers where applicable;
9. The country to which the carriers’ revenues, surcharges, or rebates are applied (i.e., United States, Canada, or Mexico);
10. Total freight revenues by currency;
11. Actual weight;
12. Tare weight;
13. A weight measure indicator that identifies the unit of measure for every record (e.g., pounds, short tons, metric tons, hundredweight);
14. Trailer on Flat Car/Container on Flat Car Plan Code;
15. Car/trailer/container SCAC and number for each piece of equipment in the record;
16. Physical origin (e.g., true/ultimate origin) Standard Carrier Alpha Code (“SCAC”), Freight Station Accounting Code (“FSAC”), Standard Point Location Code (“SPLC”), station name, and state/province;¹

¹ Applicants provided the FSAC, but not the SCAC, SPL, Station Name, or State/Province.

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17. Physical destination (e.g., true/ultimate destination) SCAC, FSAC, SPLC, station name, and state/province;²
18. Origin on UP or NS system SCAC, FSAC, SPLC, station name, and state/province;³
19. Destination on UP or NS system SCAC, FSAC, SPLC, station name, and state/province;⁴
20. The date and time the shipment was originated/received on the UP or NS system;
21. Junction frequency;
22. The date and time the shipment was terminated/delivered on the UP or NS system;
23. Total loaded movement miles;
24. Total loaded miles on UP's and/or NS's systems(s);
25. Total empty movement miles;
26. Total empty miles on the UP and/or NS systems;
27. Short line miles;
28. Total actual miles used to derive applicable fuel surcharges;
29. Import/export flag;
30. For shipments crossing a border, the SCAC and FSAC where the shipment crossed the border.

Accordingly, we request Applicants produce the above-listed information. To the extent this information appears in the information Applicants already produced to us, we request the decoders necessary to identify this information.

Please contact me with any questions, and thank you for your attention to this request.

Respectfully,

/s/ Richard Couch

Richard Couch

Attorney for American Chemistry Council

² Applicants provided the FSAC, but not the SCAC, SPL, or Station Name, or State/Province.

³ Applicants provided the SPLC, but not the FSAC, SCAC, or Station Name, or State/Province.

⁴ Applicants provided the SPLC, but not the FSAC, SCAC, or Station Name, or State/Province.

Certificate of Service

I certify that on November 20, 2025, I served a copy of this document by e-mail or first-class mail, postage pre-paid, upon all parties of record in this proceeding and the parties listed below.

Hon. Sean P. Duffy
Secretary of Transportation,
1200 New Jersey Avenue, S.E.,
Washington, D.C. 20590

Attorney General of the United States,
c/o Assistant Attorney General,
Antitrust Division, Department of Justice,
950 Pennsylvania Ave., N.W., Room 3109,
Washington, D.C. 20530

/s/ Richard M. Couch

Richard M. Couch