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ENTERED
Office of Chief Counsel
December 17, 2025
Part of
Public Record

December 17, 2025

VIA E-FILING

Jennifer J. Soulikias
Administrative Law Judge

**Re: STB Docket No. FD 32760 (Sub-No. 50), BNSF Railway Company—
Petition for Enforcement—Interchange with Savage Tooele Railroad
Company**

Dear Judge Soulikias:

I write regarding your Order Expediting a Reply on UP's Motion for Partial Reconsideration of the Order Granting BNSF's Motion to Compel Depositions.

After receiving your Order granting BNSF's Motion to Compel Depositions on December 10, 2025, counsel for BNSF contacted counsel for UP via email to inquire about UP's witnesses' availability between December 10 and 24, 2025. On December 12, 2025, counsel for UP responded that UP intended to file a motion asking to reset the deadline to January 23, 2026. BNSF informed UP that it did not consent to the motion, and UP filed its Motion for Partial Reconsideration later that day. As of the filing of this letter, UP has still not provided any dates for its witnesses' depositions.

BNSF has been ready to conduct depositions since September 2025. Counsel for BNSF first contacted UP about scheduling depositions for Mr. Harris, Ms. Meier, and Ms. Zemeckis on September 17, 2025, which would have left multiple weeks to conduct depositions before the parties' original briefing deadlines. BNSF served deposition notices on UP on September 22, 2025. BNSF filed its Motion to Compel Depositions on September 25, 2025.

BNSF continues to believe that delaying these depositions further is unnecessary, and BNSF remains ready to work with counsel for UP to schedule each deposition at a mutually agreed upon date and time in accordance with your December 10, 2025 Order.

BNSF does not believe that a remote deposition protocol is necessary, and notes that UP attended the deposition of Savage Tooele Railroad's witness on

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October 23, 2025 without a protocol in place. Nonetheless, BNSF sent UP a proposed remote deposition protocol on December 16, 2025.

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton

Attorney for BNSF Railway Company

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter in Docket No. FD 32760 (Sub-No. 50) to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Jensen Matsuda

Jensen Matsuda

Attorney for BNSF Railway Company

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