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ENTERED
Office of Chief Counsel
February 5, 2026
Part of
Public Record

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February 5, 2026

Hon. Jenifer J. Soulikias
Administrative Law Judge
Surface Transportation Board
395 E Street N.W.
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 36873 – Request for Hearing on BNSF Motion to Compel

Dear Judge Soulikias,

On January 9, 2026, BNSF Railway Company filed a motion to compel Union Pacific and Norfolk Southern to produce case-relevant board materials, banker materials, and email communications. *See* BNSF-12. BNSF's motion is fully briefed and ripe for resolution. BNSF requests a hearing on its motion.

More than six months have passed since UP and NS announced a merger that they claim “will shape the next hundred years of American railroading.” App. Vol. 1 at 309 ¶ 203. To advance discovery, BNSF began serving requests on UP and NS four months ago. Despite the stakes—and months of BNSF efforts to move discovery along—UP and NS are still shielding ordinary course documents as well as their internal, candid assessments and conversations. The sweeping, “trust us” approach that UP and NS adopt in their reply (UP-24/NS23) is unprecedented. If permitted, it would deprive the Board a full record on which to consider the to-be re-filed application.

Months of stonewalling make clear that, until ordered to do so, UP and NS will not meaningfully advance discovery of ordinary course documents and email. To avoid further delay—and to put discovery on the right track—BNSF respectfully requests a hearing on its Motion to Compel at Your Honor's earliest convenience.

Sincerely,

/s/ Daniel T. Donovan

Daniel T. Donovan, P.C.

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing letter to be served electronically or by first-class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, Applicants' representatives, Administrative Law Judge Jenifer Soulikias, and all parties of record in this proceeding.

/s/ Onika K. Williams

Onika K. Williams

Attorney for BNSF Railway Company

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