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March 2, 2026

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

Part of
Public Record

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

Dear Chief of Case Administration:

On February 23, 2026, CPKC submitted a letter that purports to support BNSF's interlocutory appeal of Judge Soulikias's ruling in Decision No. 10. The Board should strike CPKC's letter. As shown in UP-29/NS-28, BNSF's interlocutory appeal is untimely under 49 C.F.R. § 1115.9(b).

Further, even if the Board were to consider BNSF's appeal on the merits, CPKC's letter would not remedy the other defects in the appeal. CPKC's letter fails to establish that Judge Soulikias's ruling may be appealed under 49 C.F.R. § 1115.9(a), much less that the ruling reflects a clear error or judgment or that reversal is necessary to prevent a manifest injustice, as required by 49 C.F.R. § 1115.1(c).¹

Finally, CPKC's main motivation for filing its letter appears to be to resubmit claims from a prior pleading that Judge Soulikias struck as an impermissible "reply to a reply" in Decision

¹ Unlike BNSF's appeal, CPKC's letter acknowledges the threshold requirement in § 1115.9(a), but CPKC does not establish that Judge Soulikias's ruling, which narrowly addresses the timing of discovery, could result in substantial irreparable harm, substantial detriment to the public interest, or undue prejudice to a party.

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No. 10. The Board should therefore strike CPKC's letter as an impermissible attempt to circumvent Judge Soulikias's prior decision.

Respectfully submitted,

/s/ Michael L. Rosenthal

Michael L. Rosenthal
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Corporation and Union Pacific
Railroad Company*

cc: ALJ Soulikias
All Parties of Record