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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

March 6, 2026

ENTERED
Office of Chief Counsel
March 6, 2026
Part of
Public Record

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

Dear Chief of Case Administration:

On March 2, 2026, Applicants¹ filed replies to BNSF's interlocutory appeal from Judge Soulikias's ruling in Decision No. 10 and a CPKC letter supporting BNSF's appeal.

On March 3, 2026, BNSF submitted a letter purporting "to respond only to the procedural issue raised by [Applicants]"—*i.e.*, the timeliness of BNSF's appeal.² But Applicants did not "raise" the timeliness issue. BNSF argued its appeal was timely. Applicants' reply refuted that argument. BNSF's letter is an improper reply to a reply, and it should be struck from the record pursuant to 49 C.F.R. § 1104.13(c).

On March 3, 2026, CPKC submitted a reply to Applicants' reply to CPKC's letter, which makes further arguments in support of BNSF's appeal. CPKC's reply is also an improper reply to a reply that should be struck from the record pursuant to 49 C.F.R. § 1104.13(c).

Respectfully submitted,

/s/ Michael L. Rosenthal

Michael L. Rosenthal
*Attorney for Union Pacific
Corporation and Union Pacific
Railroad Company*

cc: ALJ Soulikias
All Parties of Record

¹ "Applicants" are Union Pacific Corporation ("UPC") and Union Pacific Railroad Company ("UP") (collectively, "Union Pacific") and Norfolk Southern Corporation ("NSC") and Norfolk Southern Railway Company ("NS") (collectively, "Norfolk Southern").

² Letter at 1.