

SURFACE TRANSPORTATION BOARD

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Docket No. EP 788

**ELIMINATING REGULATORY BARRIERS TO
COMPETITION: REVIEW OF PART 1144**

**Summary of Ex Parte Meeting Between CN
and STB Vice Chairman Michelle Schultz**

April 2, 2026

CN Attendees:

- Kathryn Gainey, Senior Director, Head of Global Regulatory Affairs
- Christopher Diamond, Counsel, Regulatory Affairs

STB Attendees:

- Michelle Schultz, Vice Chairman
- Ryan Lee, Attorney Advisor

Meeting Summary:

CN thanked Vice Chairman Schultz for the opportunity to meet. CN expressed its appreciation for the Board's anticipated focus on the context of individual cases and their unique fact patterns. CN noted the benefits of clarifying background principles in advance of a merits decision for efficient use of case-by-case adjudication. How some of these principles would apply is a matter for individual cases, but there is value for potential litigants in knowing that these principles would be part of the Board's determination.

Vice Chairman Schultz and CN discussed several of the principles that CN proposed, including burden of proof and the appropriateness of addressing petitioners' cases individually rather than as a group, given the fact-specific inquiries to be performed. Vice Chairman Schultz and CN also talked about how the Board might communicate background principles if it chose to do so.

CN and Vice Chairman Schultz thanked each other for their time and concluded the meeting.