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ENTERED
 Office of Chief Counsel
 May 5, 2026
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May 5, 2026

Chief of Case Administration
 Office of Chief Counsel
 Surface Transportation Board
 395 E Street, SW
 Washington, DC 20423-0001

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

Dear Chief of Case Administration:

Applicants submit this response in opposition to CN's May 4, 2026, letter requesting that the Board retroactively change the filing date of Applicants' Amended Application. The Board should reject CN's request.

First, CN has not identified any way in which its inability to access the limited set of workpapers at issue for the limited period of time at issue prejudiced its ability to determine whether the Amended Application contains the information required to be considered complete. CN has had full access to the text of the 7,000-page Amended Application, including the sixteen supporting verified statements, as well as hundreds of gigabytes of supporting workpapers. In addition, CN's concerns relate to the merits of the Amended Application—whether Applicants sufficiently supported assertions in the Amended Application—not the completeness of the Amended Application.

Second, Applicants acted promptly and reasonably to address the workpaper access issue identified by CN. Applicants worked through the weekend to determine the source of the issue and provided replacement files shortly after 9 AM ET on Sunday, May 3, 2026—allowing only one business day to pass between being notified of the issue and resolving it.

Third, granting CN's request would set a dangerous precedent. The Board's docket is full of matters where party filings are supported by voluminous and complex workpapers, including both litigation matters and applications for approval. In filings of this scale and complexity, some technical issues are bound to arise despite everyone's best efforts, and it is common practice in Board proceedings for parties to have to replace workpapers when other parties identify issues.

Indeed, in this very proceeding the Board recognized that workpaper replacements may be necessary, and it created a process to document such changes. *See* Decision No. 8. The notion

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that any workpaper issue—and particularly one that was resolved quickly and in good faith—is sufficient to somehow nullify a filing until the workpaper issue has been addressed is irreconcilable with Decision No. 8 and with normal practice before the Board.

For these reasons, Applicants respectfully request that the Board deny CN's request.

Sincerely,

/s/ Michael L. Rosenthal

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

cc: All Parties of Record
ALJ Soulikias

CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of May, 2026, the foregoing document was served by first-class mail or email on all parties of record in this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias.

/s/ Daniel Damitio