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 Office of Chief Counsel  
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May 15, 2026

## BY ELECTRONIC FILING

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

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

Dear Chief of Case Administration:

I write on behalf of Canadian Pacific Railway Company, d/b/a Canadian Pacific Kansas City and CPKC, and its U.S. rail carrier subsidiaries (collectively “CPKC”)<sup>1</sup> to join in Applicants’ and BNSF’s requests for a conference with the ALJ to address Applicants’ proposed discovery guidelines and provide additional context respecting the status of Applicants’ responses to CPKC’s discovery requests which are relevant to potential guidelines. CPKC concurs with BNSF’s recounting of existing discovery issues outlined in its correspondence with the Board on May 14 (BNSF-27) and respectfully offers the following additional perspective for consideration.

Despite months of CPKC’s attempted negotiations and correspondence, Applicants have not made any production of their employees’ ordinary-course emails in response to CPKC’s discovery requests served on December 18, 2025. Indeed, they have produced no responsive records to the vast majority of those requests, with over 85% of their productions to date consisting of joint facilities agreements and related correspondence and the remainder consisting almost entirely of a handful of HR policy documents, operational summary documents, and form letters sent to third parties. After

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<sup>1</sup> CPKC’s U.S. rail carrier subsidiaries include Soo Line Railroad Company; Central Maine & Quebec Railway US Inc.; Dakota, Minnesota & Eastern Railroad Corporation; Delaware & Hudson Railway Company, Inc.; The Kansas City Southern Railway Company; Gateway Eastern Railway Company; and The Texas Mexican Railway Company.

nearly five months of stonewalling, on May 7 and May 8, Applicants for the first time offered a set of insufficient search term proposals from a limited group of custodians. On May 14, CPKC sent a response letter to Applicants setting forth its specific concerns with Applicants' proposed search term criteria.

CPKC welcomes a conference on the proposed discovery guidelines and would be available to appear at the convenience of Judge Soulikias to participate in that conference.

Respectfully submitted,

/s/ Joseph J. Matelis

Joseph J. Matelis

*Attorney for CPKC*

cc: Administrative Law Judge Soulikias  
All Parties of Record  
David L. Meyer (Law Office of David L. Meyer)  
Dylan M. Aluisse (Sullivan & Cromwell LLP)

### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 15th day of May 2026, I caused a copy of the foregoing letter to be served by email or by first-class mail, postage prepaid, on all parties of record in this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Judge Jenifer Soulikias.

/s/ Kiera S. Judge  
Kiera S. Judge