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ENTERED
Office of Chief Counsel
July 16, 2026
Part of
Public Record

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By E-Filing

July 16, 2026

Hon. Jenifer J. Soulikias
Administrative Law Judge
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 Judge Soulikias:

Applicants move to compel BNSF, CN, CPKC, and CSX (“Non-Applicant Railroads”) to produce car and train event, reciprocal switching, and interchange data¹—categories of data that Non-Applicant Railroads have already requested and received from Applicants in this proceeding. The reciprocal exchange of data is the norm in a range of STB proceedings, including prior merger proceedings, and reflects the STB’s express expectation that railroads who choose to request traffic data in merger proceedings may be required to produce their own similar data. *See* 49 C.F.R. § 1180.4(b)(4)(iii) (providing for reciprocal exchange of traffic tapes). The requested data is necessary for Applicants to assess any claims made by Non-Applicant Railroads about the impact of the Proposed Transaction on their service and operations or any conditions they may propose. Moreover, the requested data is maintained and used in the ordinary course of business, and production of the data is not unduly burdensome, particularly for sophisticated Class I railroads.

For these reasons, which are discussed further below, Applicants respectfully request that Your Honor order the Non-Applicant Railroads to produce any non-privileged data responsive to the requests.

I. BACKGROUND

In this proceeding, Non-Applicant Railroads have served hundreds of discovery requests, including requests for production of car and train event data,² reciprocal switching data,³ and

¹ *See* Exhibits A–D at Requests 18–21.

² *See* Exhibit E at Requests 9, 10.

³ *See* Exhibit E at Request 25; Exhibit F at Request 4.

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interchange data.⁴ Each of the Non-Applicant Railroads have also served requests seeking copies of any materials produced in response to any other party's discovery requests.⁵ Applicants produced responsive data for 2019-2024 late last year, and supplemented their productions with data for 2025 earlier this year.⁶

On June 1, 2026, Applicants served requests on Non-Applicant Railroads seeking reciprocal production of the same data that Applicants had already produced. *See* Exhibit A at Requests 18, 19, 20, and 21. On June 16, 2026, Non-Applicant Railroads served their responses and objections, in which none of the Non-Applicant Railroads committed to producing the requested data. *See* Exhibits G–J. On July 6, 2026, Applicants wrote to Non-Applicant Railroads regarding deficiencies in their discovery responses, including their refusal to produce responsive documents and information. *See* Exhibit K. In the letter, Applicants noted their willingness to discuss a targeted collection of the requested traffic data, and requested a meet and confer. *Id.*

On July 8, 2026, counsel for Applicants and Non-Applicant Railroads met and conferred. During the meet and confer, Applicants identified Requests 18 through 21 as priority requests and explained that the requested data essentially mirrors that which Non-Applicant Railroads had requested and received from Applicants. On July 14, 2026, Applicants followed up in writing regarding the requests, confirming that none of the Non-Applicant Railroads were agreeing to produce the requested data, and asking for Non-Applicant Railroads to promptly inform Applicants if their positions had changed.

Each Non-Applicant Railroad has subsequently updated its position, agreeing to produce some, but not all, of the requested data.⁷ While Applicants will continue to confer with Non-Applicant Railroads in an effort to fully resolve this dispute, Applicants are proceeding with this motion to ensure discovery proceeds in an efficient and timely manner. It has been more than six weeks since Applicants issued these (and other discovery requests) and Non-Applicant Railroads have produced *zero* responsive documents to date. We will provide Your Honor with an update on Wednesday, July 22, 2026, that identifies the issues raised in this Motion that remain unresolved.

⁴ *See* Exhibit F at Request 5.

⁵ *See* Exhibit E at Request 1; Exhibit F at Request 1; Exhibit L at Request 1; Exhibit M at Request 1.

⁶ *See* Exhibit N at 2–6.

⁷ While each Non-Applicant Railroad has asserted certain conditions on production that are subject to further evaluation, Applicants understand the current positions of Non-Applicant Railroads to be as follows: BNSF refuses to produce data in response to Request 20; CN refuses to produce data in response to Requests 18 and 19; CPKC refuses to produce data in response to Requests 18, 19, 20, and 21; and CSX refuses to produce data in response to Requests 20 and 21.

II. ARGUMENT

It is well-established that STB regulations provide for broad discovery of any non-privileged matter that is relevant to the subject matter of this proceeding. *See* 49 C.F.R. § 1114.21(a)(1) (“Parties may obtain discovery . . . regarding any matter, not privileged, which is relevant to the subject matter involved in a proceeding other than an informal proceeding.”). Here, the relevance of the requested data is beyond question, as evidenced by the Non-Applicant Railroads’ own determination that equivalent data from Applicants was sufficiently relevant to warrant discovery requests. Indeed, interchange volumes, switching data, and system-wide movement patterns are directly pertinent to the Board’s assessments of network effects, competitive access, and service quality. Moreover, this data is critical for Applicants to respond to any criticisms or alternative analyses that Non-Applicant Railroads may present.

The STB’s regulations also establish a framework that favors reciprocal—rather than one-sided—data exchanges. *See, e.g.*, 49 C.F.R. § 1180.4(b)(4)(iii) (permitting applicants to condition production of their traffic tapes on a requesting railroad’s agreement to make its own traffic tapes available). The Non-Applicant Railroads’ failure to produce data that mirrors what they have already obtained from Applicants represents precisely the kind of one-sided discovery that the Board’s regulations are designed to prevent.

Parties to this proceeding have reciprocal obligations to engage in discovery, and Applicants’ requests seek only to place the parties on even footing. Without access to equivalent data from the Non-Applicant Railroads, Applicants cannot compare, contextualize, or benchmark the analyses that the Non-Applicant Railroads may present in any responsive filings. Moreover, a comprehensive corpus of data may become critical for the Board’s evaluation of any potential conditions or remedies that Non-Applicant Railroads may seek. Otherwise, the Board would be forced to evaluate claims and counterclaims without the full evidentiary picture that reciprocal discovery is intended to provide.

The burden of collecting and producing this data is likely minimal. The data sought through Requests 18–21 consists of operational and traffic data that Class I railroads maintain in the ordinary course of business. Moreover, unlike custodial discovery that requires extensive review for privilege and relevance, the production of traffic tapes, movement event data, and interchange volumes involves no privilege issues and likely requires minimal processing. Moreover, the Non-Applicant Railroads have already demonstrated the feasibility of such production by receiving equivalent data from Applicants. Having determined that such data is collectible, relevant, and useful for their own analyses, they cannot credibly contend that equivalent production would be unduly burdensome for them. To the extent that specific aspects of the Requests require clarification or reasonable accommodation, Applicants have expressed—and reaffirm here—their willingness to engage in good-faith discussions.

Nor can Non-Applicant Railroads evade their discovery obligations by invoking uncertainty regarding whether they will file responsive applications. Each party has suggested that it may raise concerns about service impacts, and allowing parties to withhold relevant data pending

a strategic decision about whether to formally oppose the transaction would undermine the orderly and expeditious resolution of this proceeding, in contravention of Your Honor's directive. *See* Decision No. 24. More fundamentally, the discovery rules do not condition a party's obligation to respond to discovery requests on a commitment to file opposition papers. Whether or not the Non-Applicant Railroads ultimately choose to file responsive applications, they have participated in this discovery process, have obtained substantial data from Applicants, and cannot now selectively comply with their reciprocal obligations. Permitting such asymmetry would undermine the orderly progress of this proceeding, reward gamesmanship, and deprive Applicants of the ability to prepare a meaningful rebuttal case based on complete information.

III. REQUEST FOR RELIEF

For the foregoing reasons, Applicants respectfully request that Your Honor enter an order compelling the Non-Applicant Railroads to produce the data requested in Applicants' Requests 18–21.

Respectfully submitted,

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cc: All Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of July, 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/ *Jamie Dominique U. Magcale*

Jamie Dominique U. Magcale

EXHIBIT A

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

**APPLICANTS' SECOND SET OF DISCOVERY REQUESTS
TO BNSF RAILWAY COMPANY**

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June 1, 2026

Pursuant to 49 C.F.R. §§ 1114.21-.31, Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company (collectively “Applicants”) request that BNSF Railway Company (“BNSF”) respond to and produce Documents responsive to the following discovery requests in accordance with the Surface Transportation Board’s rules and the definitions and instructions set forth below.

Responses should be served as soon as possible, and in no event later than June 16, 2026, unless otherwise agreed to by the parties. Please contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company.
2. “BNSF” means BNSF Railway Company.
3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.
4. “CSXT” or “CSX” means CSX Transportation Inc.

5. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.

6. “KCT” means Kansas City Terminal Railway.

7. “Norfolk Southern” or “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company.

8. “PPU” means Peoria and Pekin Union Railway Company.

9. “Produce” means to make legible, complete, and exact copies of responsive Documents and send them by expedited delivery to the undersigned counsel.

10. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.

11. “TRRA” means Terminal Railroad Association of St. Louis.

12. “TTX” means TTX Company.

13. “Union Pacific” or “UP” means Union Pacific Corporation and Union Pacific Railroad Company.

14. “You” and “Your” refer to BNSF and its predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.

INSTRUCTIONS

1. References to railroads, shippers, consultants, or companies (including Applicants) include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

2. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa.

3. If any information or Document is withheld on the ground that it is privileged or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable.

4. To the extent materials called for herein are confidential, Applicants will treat them in accordance with the Protective Order entered in this proceeding in the Decision served August 5, 2025.

5. Unless otherwise specified, these requests cover the period January 1, 2019 and to the present.

6. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

REQUESTS¹

5. Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

6. Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

7. Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the

¹ The numbering of Applicants' discovery requests is continuous across sets of discovery requests served on the same party.

Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

8. Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

9. Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

10. Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

11. Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP’s or NS’s position in the railroad industry, Your growth or strategies for growth, and UP’s or NS’s growth or strategies for growth.

12. Produce all Documents and Communications relating to the Proposed Transaction’s potential impacts on Your, the Applicants’, or any other rail carrier’s

rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

13. Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

14. Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

15. Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

16. Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

17. Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or

joint line rates, services, or routes; interline or joint line routing options;, or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

18. Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

19. Produce system-wide train event data for all Your trains.

20. Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

21. Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

22. Produce all studies, analyses, or presentations from the past ten years created by You relating to the 1997 I-5 Proportional Rate Agreement, including but not limited to any studies or analyses relating to competition in the geographic areas covered by the 1997 I-5 Proportional Rate Agreement after the agreement was entered into, any studies or analyses relating to your profits or losses on routes in the geographic areas covered by the 1997 I-5 Proportional Rate Agreement, and any studies or analyses relating to Your compliance with the terms of the 1997 I-5 Proportional Rate Agreement.

23. Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

24. Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

25. Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

26. Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

27. Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

28. Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

30. Produce all Documents and Communications that concern, discuss, or support any aspect of Your claims in the following publications:

- a. “The UP-NS Merger: Still a Monopoly in the Making,” available at <https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition/bnsf-flyer-the-up-ns-merger-a-monopoly-in-the-making.pdf>;

- b. “The Case Against the UP-NS Merger: Preserve Competition,” available at <https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition/index.html#preserve-competition>;
- c. “The Case Against the UP-NS Merger: Protect the Supply Chain,” available at <https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition/index.html#protect-supply-chain>;
- d. “Opposing the UP-NS Merger How to Make Your Voice Heard,” available at <https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition/page2.html>, including the section regarding “What to Include in Your Letter”; and
- e. “Costly, Unnecessary, Anti-Competitive and Bad for the U.S. Economy,” available at <https://www.bnsf.com/bnsf-resources/news-media/customer-notifications/pdf/2025-09-29%20BNSF%20Merger%20Position.pdf>.

Respectfully submitted,

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June 1, 2026

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*Attorneys for Union Pacific
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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 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/ Molly Brown

EXHIBIT B

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

**APPLICANTS' SECOND SET OF DISCOVERY REQUESTS
TO GRAND TRUNK CORPORATION**

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*Attorneys for Union Pacific
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June 1, 2026

Pursuant to 49 C.F.R. §§ 1114.21-.31, Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company (collectively “Applicants”) request that Grand Trunk Corporation and its U.S. rail operating subsidiaries¹ (collectively, “CN”) respond to and produce Documents responsive to the following discovery requests in accordance with the Surface Transportation Board’s rules and the definitions and instructions set forth below.

Responses should be served as soon as possible, and in no event later than June 16, 2026, unless otherwise agreed to by the parties. Please contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

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¹ Bessemer and Lake Erie Railroad Company, Cedar River Railroad Company, Chicago, Central & Pacific Railroad Company, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Iowa Northern Railway Company, The Pittsburgh & Conneaut Dock Company, and Wisconsin Central Ltd.

limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.

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INSTRUCTIONS

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2. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa.

3. If any information or Document is withheld on the ground that it is privileged or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable.

4. To the extent materials called for herein are confidential, Applicants will treat them in accordance with the Protective Order entered in this proceeding in the Decision served August 5, 2025.

5. Unless otherwise specified, these requests cover the period January 1, 2019 and to the present.

6. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

REQUESTS²

5. Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

6. Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

7. Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail

² The numbering of Applicants' discovery requests is continuous across sets of discovery requests served on the same party.

industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

8. Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

9. Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

10. Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

11. Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP’s or NS’s position in the railroad industry, Your growth or strategies for growth, and UP’s or NS’s growth or strategies for growth.

12. Produce all Documents and Communications relating to the Proposed Transaction's potential impacts on Your, the Applicants', or any other rail carrier's rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

13. Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

14. Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

15. Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

16. Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

17. Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or joint line rates, services, or routes; interline or joint line routing options; or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

18. Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

19. Produce system-wide train event data for all Your trains.

20. Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station

name, and state/province); (4) payment information for that switch; and (5) date of operation.

21. Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

22. Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

23. Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

24. Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

25. Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

26. Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

27. Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

28. Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

Respectfully submitted,

/s/ William A. Mullins
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June 1, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 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/ Molly Brown

EXHIBIT C

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

**APPLICANTS' SECOND SET OF DISCOVERY REQUESTS
TO CANADIAN PACIFIC KANSAS CITY**

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June 1, 2026

Pursuant to 49 C.F.R. §§ 1114.21-.31, Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company (collectively “Applicants”) request that Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City (“CPKC”) respond to and produce Documents responsive to the following discovery requests in accordance with the Surface Transportation Board’s rules and the definitions and instructions set forth below.

Responses should be served as soon as possible, and in no event later than June 16, 2026, unless otherwise agreed to by the parties. Please contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company.
2. “BNSF” means BNSF Railway Company.
3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.

4. “CSXT” or “CSX” means CSX Transportation Inc.
5. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.
6. “KCT” means Kansas City Terminal Railway.
7. “Norfolk Southern” or “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company.
8. “PPU” means Peoria and Pekin Union Railway Company.
9. “Produce” means to make legible, complete, and exact copies of responsive Documents and send them by expedited delivery to the undersigned counsel.
10. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.
11. “TRRA” means Terminal Railroad Association of St. Louis.
12. “TTX” means TTX Company.
13. “Union Pacific” or “UP” means Union Pacific Corporation and Union Pacific Railroad Company.
14. “You” and “Your” refer to CPKC and its predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates,

divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.

INSTRUCTIONS

1. References to railroads, shippers, consultants, or companies (including Applicants) include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

2. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa.

3. If any information or Document is withheld on the ground that it is privileged or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable.

4. To the extent materials called for herein are confidential, Applicants will treat them in accordance with the Protective Order entered in this proceeding in the Decision served August 5, 2025.

5. Unless otherwise specified, these requests cover the period January 1, 2019 and to the present.

6. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

REQUESTS¹

5. Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

6. Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

7. Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the

¹ The numbering of Applicants' discovery requests is continuous across sets of discovery requests served on the same party.

Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

8. Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

9. Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

10. Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

11. Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP’s or NS’s position in the railroad industry, Your growth or strategies for growth, and UP’s or NS’s growth or strategies for growth.

12. Produce all Documents and Communications relating to the Proposed Transaction’s potential impacts on Your, the Applicants’, or any other rail carrier’s

rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

13. Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

14. Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

15. Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

16. Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

17. Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or

joint line rates, services, or routes; interline or joint line routing options;, or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

18. Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

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20. Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

21. Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

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23. Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

24. Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

25. Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

26. Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or

linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

27. Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

28. Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

Respectfully submitted,

/s/ Raymond A. Atkins
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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 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/ Molly Brown

EXHIBIT D

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

**APPLICANTS' SECOND SET OF DISCOVERY REQUESTS
TO CSX TRANSPORTATION, INC.**

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June 1, 2026

Pursuant to 49 C.F.R. §§ 1114.21-.31, Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company (collectively “Applicants”) request that CSX Transportation, Inc. (“CSXT” or “CSX”) respond to and produce Documents responsive to the following discovery requests in accordance with the Surface Transportation Board’s rules and the definitions and instructions set forth below.

Responses should be served as soon as possible, and in no event later than June 16, 2026, unless otherwise agreed to by the parties. Please contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company.
2. “BNSF” means BNSF Railway Company.
3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.
4. “CSXT” or “CSX” means CSX Transportation Inc.

5. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.

6. “KCT” means Kansas City Terminal Railway.

7. “Norfolk Southern” or “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company.

8. “PPU” means Peoria and Pekin Union Railway Company.

9. “Produce” means to make legible, complete, and exact copies of responsive Documents and send them by expedited delivery to the undersigned counsel.

10. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.

11. “TRRA” means Terminal Railroad Association of St. Louis.

12. “TTX” means TTX Company.

13. “Union Pacific” or “UP” means Union Pacific Corporation and Union Pacific Railroad Company.

14. “You” and “Your” refer to CSXT and its predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.

INSTRUCTIONS

1. References to railroads, shippers, consultants, or companies (including Applicants) include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

2. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa.

3. If any information or Document is withheld on the ground that it is privileged or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable.

4. To the extent materials called for herein are confidential, Applicants will treat them in accordance with the Protective Order entered in this proceeding in the Decision served August 5, 2025.

5. Unless otherwise specified, these requests cover the period January 1, 2019 and to the present.

6. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

REQUESTS¹

5. Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

6. Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

7. Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the

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Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

8. Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

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10. Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

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15. Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

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17. Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or

joint line rates, services, or routes; interline or joint line routing options;, or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

18. Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

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21. Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

22. Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

23. Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

24. Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

25. Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

26. Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or

linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

27. Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

28. Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 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/ Molly Brown

EXHIBIT E

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

UNION PACIFIC CORPORATION, ET AL.
—CONTROL—
NORFOLK SOUTHERN CORPORATION, ET AL.

**BNSF RAILWAY COMPANY'S
FIRST SET OF DISCOVERY REQUESTS TO
UNION PACIFIC AND NORFOLK SOUTHERN**

Pursuant to 49 C.F.R. §§ 1114.26 and 1114.30, BNSF Railway Company (“BNSF”) hereby requests that UP and NS (as defined below, and together, the “Applicants”) respond to and produce documents responsive to the following discovery requests to Steptoe LLP, 1330 Connecticut Avenue NW, Washington, DC 20036, no later than October 16, 2025.

DEFINITIONS

1. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.

2. “Concerning” means relating to, referring to, describing, reflecting, evidencing, constituting, or comprising.

3. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound

recording, image, and other data or data compilation stored in any medium from which information can be obtained.

4. The term “Identify”:

- a. When used in reference to an individual, shall require a statement of the individual’s full name; present and/or last known position, employment, job title and/or business affiliation; and present and/or last known business address and telephone number.
- b. When used in reference to businesses or corporations, shall mean to state the business or corporation’s legal name, the names under which it does business, its form (proprietorship, corporation, partnership, association or business trust, etc.), its present and/or last known address, and its relationship, if any, to each of NS and UP.
- c. When used in reference to Documents, shall require a statement of the date thereof, the type of Document, the author or speaker (and if different, the signer or signers, and the addressee), the substance thereof, its present or last known location or custodian, and all other means of identifying it.
- d. When used in reference to any Communication, meeting, act, occurrence, statement, or conduct (hereinafter collectively “act”) requires you to:

- i. Describe the substance of the event or events constituting such an act;
- ii. Identify each and every person participating in such act;
- iii. Identify all other persons present when such act occurred;
- iv. State whether any minutes, notes, memoranda, accounts, statement, agreements, Documents, or any other record relating to the act was made;
- v. State whether such record now exists; and
- vi. Identify the person presently having possession, custody, or control of such record.

5. “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company and their predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on their behalf.

6. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.

7. “STB” or “Board” means the Surface Transportation Board.

8. “UP” means Union Pacific Corporation and Union Pacific Railroad Company and their predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on their behalf.

INSTRUCTIONS

1. Responsive Documents to all requests should be produced to the undersigned counsel, not later than fifteen days after the date of service of these Requests. Production of Documents may be accomplished through electronic means such as a data room or file transfer if NS and/or UP prefer.

2. If NS and/or UP objects to any portion of any Discovery Request, they should identify the portion to which they object, state the basis for the objection, and respond to the remainder. If NS and/or UP has objections, NS and/or UP’s counsel are requested to promptly confer with undersigned counsel for BNSF so that NS and/or UP’s objections can be promptly addressed and resolved.

3. If NS and/or UP asserts a claim of privilege as to Documents sought in these Requests, NS and/or UP should list, for each such Document, the Document’s date, signatory or signatories, author(s), addressee(s), each other person who received a copy, the subject matter of the Document, its location and custodian, and the basis for the claim of privilege. Such information should be supplied in sufficient detail to permit BNSF to assess the applicability of the privilege claimed.

4. If any of the requested Documents was but is no longer in NS and/or UP's possession or subject to their control, state what disposition was made of it and when, and explain the reasons for such disposition.

5. If a Document is provided in response to a Request, identify which Document(s) is (are) being provided to answer that Request, including any Bates numbers; if NS and/or UP is asked to identify Documents, provide a brief description of the Documents, including any Bates numbers. If NS and/or UP refers BNSF to workpapers to respond to a Request, please identify the Bates number(s) of the workpapers(s) responsive to the Request.

6. Each Discovery Request should be responded to upon NS and/or UP's entire knowledge from all sources and all information and Documents in NS and/or UP's possession or otherwise available to NS and/or UP, including information from agents, representatives, consultants, or attorneys, and information that is known to each of them.

7. Where a Discovery Request calls for information with respect to "each" one of a particular type of matter, event, Person, or entity, of which there is more than one, separately list, set forth or identify for each thereof all of the information called for in the Request.

8. These Requests are deemed continuing, and it is requested that supplemental responses and production be provided as additional information or Documents become available.

9. Unless otherwise provided, there is no time period limitation on these Discovery Requests.

FIRST SET OF DISCOVERY REQUESTS

1. Produce copies of all Documents or Communications that NS and/or UP produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

2. Produce copies of all Documents or Communications that NS and/or UP produce or have previously produced to the Surface Transportation Board, the United States Department of Justice, or any other federal government agency, state attorneys general, or any other state government agency relating to the Proposed Transaction.

3. Produce Documents sufficient to show the conditions to STB approval to which NS and/or UP have agreed to accept, propose, or agree to if needed to secure regulatory approval for the Proposed Transaction.

4. Produce Documents sufficient to show all agreements between UP or NS and a counter-party that is designed to facilitate service between the existing UP or NS networks.

5. Identify all individuals and/or entities (customers, labor organizations, labor officials, government agencies or officials, other stakeholders, etc.) from whom either UP or NS has sought, solicited, or discussed a potential letter or statement of support relating to the Proposed Transaction. This request seeks the identity of responsive individuals and entities in the United States, Canada, and Mexico.

6. Identify all individuals and/or entities (customers, labor organizations, labor officials, government agencies or officials, other stakeholders, etc.) that have expressed or communicated concern about the

Proposed Transaction. This request seeks the identity of responsive individuals and entities in the United States, Canada, and Mexico.

7. Produce all Documents and Communications with the individuals and/or entities identified in response to Request Nos. 5 and 6 and that concern or relate to the Proposed Transaction.

8. Produce Documents sufficient to show any discounts, contract extensions, or any other economic value or concession offered in connection with or related to any discussion with a customer or stakeholder related to its support or non-opposition the Proposed Transaction.

9. Produce system-wide car and, where applicable, container, movement event data for all NS and UP traffic for each year or partial year from 2019 to the present. Car event data should be sufficient to identify the sequence of cars within a train for each applicable event, and container event data should be sufficient to identify the car conveying the container for each applicable event.

10. Produce system-wide train event data for all NS and UP trains for each year or partial year from 2019 to the present.

11. Produce UP and NS intermodal train schedules from 1995 to present.

12. Produce Documents sufficient to show the density information described below for the entire NS and UP systems for each year or partial year from 2019 to the present in a computer readable database or electronic spreadsheet, including all record layouts, all field descriptions, data definitions, and data dictionaries/decoders required to

utilize the data. The density database should include, at a minimum, the following data:

- a. Identification of the unique railroad divisions, subdivisions, and individual line segments for each unique density segment;
- b. Station name and SPLC at the beginning of a unique density segment and at the end of a unique density segment;
- c. Beginning and ending milepost for each unique density segment;
- d. Rail and track mileage for each unique density segment;
- e. (i) Total density (both directions including empty and loaded trains) by segment and by direction expressed in net ton-miles, or in the alternative, (ii) total density (both directions including empty and loaded trains) by segment and by direction expressed in gross ton-miles, including tare weight, locomotive weight, and non-revenue trains, plus appropriate factors that can be used to convert gross ton-miles to net ton-miles on each unique density segment; and
- f. Density information (i) for segments that NS or UP utilize via trackage rights (or other joint facility or joint use agreements) on another railroad, (ii) for segments where another railroad(s) operates by trackage rights (or other joint facility or joint use agreements) over NS or UP

segments, and (iii) an identification of such densities in (i) and (ii) that are included in the total densities provided in response to subpart e. above.

13. Produce Documents sufficient to show what constitutes a Materially Burdensome Regulatory Condition (as defined in the Merger Agreement). To the extent each Materially Burdensome Regulatory Condition is not memorialized in a Document, describe in detail what constitutes or could constitute a Materially Burdensome Regulatory Condition.

14. Produce Documents relating to any current or anticipated abandonments, leases, grants of trackage rights, or other transactions in which any current line segment of UP or NS would henceforth be operated by another railroad or non-carrier.

15. Produce all Communications between UP and NS since the merger announcement regarding (a) the quoting of interline UP-NS rates, (b) operational integration, and (c) the operation of jointly-owned companies.

16. Produce all Documents regarding changes in employee discipline standards or practices from January 1, 2024 to present.

17. Produce all Documents and Communications relating to potential joint ventures, marketing alliances, or other forms of cooperative agreements between UP and NS other than a merger, whether or not such agreements were implemented. The time period for this request is January 1, 2015 to present.

18. Describe in detail how Applicants would cooperate with other carriers in addressing or resolving service disruptions on their lines during the transitional period and afterwards.

19. Describe in detail any conditions or provisions that Applicants are proposing to enhance competition in connection with the Proposed Transaction.

20. Produce all studies and analyses of the impact of the Proposed Transaction on potential future mergers involving any Class I carrier (including Applicants).

21. Produce all Documents in Applicants' possession, custody, or control (including any strategy plans or competitive assessments) that show or concern the impact of the Proposed Transaction on:

- a. Applicants' current and future debt and debt service obligations.
- b. Applicants' financial metrics including revenue, earnings, EBITDA, leverage, and operating ratio;
- c. Applicants' costs and potential opportunities to reduce costs (synergies);
- d. Railroad intramodal, intermodal, product, and geographic competition;
- e. Potential traffic diversions from truck transportation to rail transportation;
- f. Rail service, including rail service provided by other rail carriers;

- g. Rail safety, including the safety of rail service provided by other rail carriers;
- h. Rail labor and employment, including labor forces at railroads other than Applicants;
- i. Passenger or commuter service;
- j. Rates for rail transportation;
- k. Competition, including corridor competition, source competition, and intermodal competition; and
- l. Applicants' proposed gateway commitment on Applicants' existing traffic and the revenues and profitability of that traffic.

22. Produce all studies, analyses, and reports that UP relied upon in making a merger proposal to NS and in assessing whether to execute the Merger Agreement.

23. Produce all studies, analyses, and reports that NS relied upon in evaluating UP's merger proposal and in assessing whether to execute the Merger Agreement.

24. Produce all Documents that Applicants have provided to third parties, including but not limited to shippers, smaller railroads, public officials, ports, and rail industry suppliers, regarding the Proposed Transaction.

25. Produce data from 2019 through present for all reciprocal switches performed by or for UP or NS sufficient to identify:

- a. The date the reciprocal switch was requested;
- b. The date the reciprocal switch was completed;
- c. The switching and receiving carriers involved in the reciprocal switch;
- d. The price authority governing the reciprocal switch;
- e. Revenues paid for the reciprocal switch;
- f. The customer name and SPLC station location where switch was originated or terminated;
- g. The location, including latitude and longitude, where the shipment was physically transferred between switching and receiving carrier; and
- h. The car initial and car number of each rail car involved in the reciprocal switch.

26. Produce all Documents related to UP and NS's planned capital budgets and forecasts for the next five years (as prepared in the 2024 and 2025 period prior to the announcement of the Proposed Transaction).

27. Produce Documents sufficient to identify all issues or problems that UP and NS have had using rights or accessing services required by STB-ordered deal conditions.

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Tyler R. White
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Respectfully submitted,

/s/ Peter W. Denton

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Counsel for BNSF Railway Company

Dated: October 1, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October, 2025, I have caused the foregoing *BNSF Railway Company's First Set of Discovery Requests to Union Pacific and Norfolk Southern* to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Onika K. Williams

Onika K. Williams

Attorney for *BNSF Railway Company*

EXHIBIT F

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 36873

**UNION PACIFIC CORPORATION, ET AL. – CONTROL –
NORFOLK SOUTHERN CORPORATION, ET AL.**

**GRAND TRUNK CORPORATION’S FIRST SET OF
DISCOVERY REQUESTS TO APPLICANTS**

Pursuant to 49 C.F.R. Part 1114, Grand Trunk Corporation, on behalf of itself and its U.S. rail operating subsidiaries¹ (collectively “CN” as defined below) requests that NS (as defined below) and UP (as defined below) respond to the following discovery requests in accordance with the Surface Transportation Board’s rules, and the Definitions and Instructions set forth below.

Responses from NS and UP should be served as soon as possible, and in no event later than fifteen days from the date of service hereof. NS and UP are requested to contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

¹ Bessemer and Lake Erie Railroad Company, Cedar River Railroad Company, Chicago, Central & Pacific Railroad Company, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Iowa Northern Railway Company, The Pittsburgh & Conneaut Dock Company and Wisconsin Central Ltd.

DEFINITIONS

1. “CN” means Grand Trunk Corporation; its parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.
2. “Communication” or “Communications” shall mean any oral or written representation, promise, conversation, statement, message, or transmission of information, electronic or otherwise, and should be construed in the broadest sense possible. Requests to produce or identify Communications include, but are not limited to, text messages, emails, instant or direct messages on any platform, voicemails, electronic communications, agendas, notes, talking points, agreements, inquiries, memoranda, reports, face-to-face conversations and meetings, telephone conversations or conference calls, negotiations, and presentation slides, and include information that was displayed or shown to another party without being transmitted in writing to that party.
3. “Concerning” means relating to, referring to, describing, evidencing, constituting, or in any way pertaining to, in whole or in part, the subject matter or the Request.
4. “Document” or “Documents” is used in the broadest possible sense permissible and includes, without limitation, all originals, copies (if the originals are not available), nonidentical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise) and drafts, whether printed or recorded (through a sound, video, or other electronic, magnetic, or digital recording system) or reproduced by hand, including, without limitation: letters, correspondence, telegrams, telexes, memoranda, records, text messages, communications via Internet-connected applications, Communications, summaries of personal conversations or interviews, minutes or records or notes of meetings or conferences, note pads, notebooks, postcards, “Post-It” or similar notes, stenographic notes, notes, opinions or reports of financial advisors or consultants, opinions or reports of experts, projections, financial or statistical statements or compilations, contracts, agreements, appraisals, analyses, purchase orders, confirmations, publications, articles, books, pamphlets, circulars, microfilm, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, photostats, speeches, data sheets, pictures, photographs, illustrations, blueprints, films, drawings, plans, tape recordings, videotapes, disks, diskettes, data tapes or readable computer-produced interpretations or transcriptions thereof, electronic messages, voice mail messages, interoffice communications, advertising, packaging and promotional materials, material of any sort and in any format maintained or available at any time on the World Wide Web

(whether formerly, currently, or both), and any other writings, papers and tangible things of whatever description whatsoever, including but not limited to any information contained in any computer, even if not yet printed out.

5. “Identify,”
 - a. when used in relation to an individual, means to state the name, address, and business telephone number of the individual, the job title or position and the employer of the individual at the time of the activity inquired of, and the last- known position and employer of the individual;
 - b. when used in relation to a corporation, partnership, or other entity, means to state the name of the entity and the address and telephone number of its principal place of business;
 - c. when referring to a Document, means to give, to the extent known, the (i) type of document (e.g., letter, e-mail, memorandum, report, chart); (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) or recipient(s). Documents may be produced in lieu of being Identified;
 - d. when referring to information, means to list or produce documents containing the specified information;
 - e. when used in relation to an oral Communication or statement means to: identify the person making the Communication or statement and the person, persons, or entity to whom the Communication or statement was made; state the date and place of the Communication or statement; describe in detail the contents of the Communication or statement; and identify all Documents that refer to, relate to or evidence the Communication or statement.
6. “Including” means “including, but not limited to.”
7. “Merger Agreement” means that certain Agreement and Plan of Merger, dated as of July 28, 2025, by and among Union Pacific, Ruby Merger Sub 1 Corporation, Ruby Merger Sub 2 LLC, and Norfolk Southern, and any amendments or supplements thereto.
8. “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company; their parent companies; subsidiaries; controlled, affiliated, and predecessor firms; departments; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

9. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.
10. “UP” means Union Pacific Corporation and Union Pacific Railroad Company; their parent companies; subsidiaries; controlled, affiliated, and predecessor firms; departments; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.
11. “You” and “Your” mean UP and/or NS, whichever is broader in the context in which it is used.
12. “RIA” or “Railroad Industry Agreement” means the Railroad Industry Agreement entered into by the American Short Line and Regional Railroad Association, on behalf Class II and III railroads, and the Association of American Railroads, on behalf of Class I railroads, on September 10, 1998, as amended on October 7, 2004.

INSTRUCTIONS

1. Responsive Documents to all requests should be produced to the undersigned counsel, not later than fifteen days after the date of service of these Requests. Production of Documents may be accomplished through electronic means such as a data room or file transfer if You prefer. Rolling production of relevant Documents during that fifteen-day period is requested.
2. These requests extend to any Documents or Communications in the possession, custody, or control of UP, its present and former directors, officers, employees, attorneys, and any other agents or representatives, or NS, its present and former directors, officers, employees, attorneys, and any other agents or representatives.
3. Unless a different time period is specified, these requests cover the period from January 1, 2019 to the present.
4. If NS and/or UP withhold Documents or Communications on the basis of a claimed privilege or attorney work product, then for each such document, NS and/or UP should Identify the Document or Communication and state the basis for the claim that it is privileged or otherwise not discoverable.
5. NS and/or UP should immediately contact Lindsey Bohl at (202) 636-5908 to discuss any objections or questions with a view to resolving any dispute or issues of interpretation informally and expeditiously.
6. Following prior discovery practice in merger proceedings, these requests are presented in a single list of requests. Requests that ask NS and/or UP to produce documents shall be responded to in accordance with 49 C.F.R. §

1114.30. Requests that ask NS and/or UP to Identify or describe information or that otherwise pose questions shall be responded to in accordance with 49 C.F.R. § 1114.26.

7. If NS and/or UP believe that information responsive to a particular discovery request has been already presented in their workpapers, Identify the specific workpaper or workpapers that they believe provides the requested information, including the specific sheets and cells where applicable.
8. Pursuant to 49 CFR § 1114.29, NS and UP are under a duty to supplement their responses with respect to any Request.

DOCUMENT REQUESTS

1. Produce complete disclosure schedules, exhibits, and appendices to the Merger Agreement.
2. Produce copies of all Documents or Communications that NS and/or UP produce or have previously produced to the Surface Transportation Board, the United States Department of Justice, or any other federal government agency, state attorneys general, or any other state government agency relating to the Proposed Transaction.
3. Produce copies of all Documents or Communications that NS and/or UP produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.
4. Produce data and Documents concerning reciprocal switching for the period from January 1, 2019 through December 31, 2024, including but not limited to car-level movement records, switch lists, interchange logs, line-segment-level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.
5. Produce Documents sufficient to show all interchange volumes with other carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts),

for the period from January 1, 2019 through December 31, 2024, provided at the most disaggregated level maintained in the ordinary course of business.

6. Produce all rail line sale, lease, or interchange agreements to which You are a party that contain an interchange commitment, as defined in the Surface Transportation Board's August 28, 2025 order.
7. For each interchange commitment identified in Request 6, produce Documents concerning all instances in which You have granted a waiver, exception, or other form of consent permitting the tenant or purchasing railroad to interchange traffic with another carrier notwithstanding the interchange commitment. This includes waivers granted under the Railroad Industry Agreement or any other ad hoc or informal exceptions.
8. Identify the customers referenced in the following statements by UP's CEO Jim Vena at the Morgan Stanley 13th Annual Laguna Conference held on September 10, 2025 and the Norfolk Southern Corporation Earnings Call held on July 29, 2025:
 - a. "We don't see any customer that degrades its service or capability to compete. And the few, very few and we're talking about less than 10 that through this transaction, because it's a bolt-on, would go 2:1."
 - b. "A significant note, with this combination, fewer than 20 customers will go from having two rail providers to just one, and we intend to provide a competitive alternative."

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Attorneys for CN

Dated: September 23, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2025, I have caused the foregoing “Grand Trunk Corporation’s First Set of Discovery Requests to Applicants” to be served electronically or by first-class mail, postage pre-paid, on the service list for Finance Docket No. 36873.

/s/ Andrew Bernstein
Andrew Bernstein

EXHIBIT G

Filed under seal pursuant to the Protective Order

EXHIBIT H

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36873

**UNION PACIFIC CORPORATION, ET AL.
—CONTROL—
NORFOLK SOUTHERN CORPORATION, ET AL.**

**CN'S RESPONSES AND OBJECTIONS TO
APPLICANTS' SECOND SET OF DISCOVERY
REQUESTS**

Pursuant to 49 C.F.R. Part 1114, Subpart B, Grand Trunk Corporation and its U.S. rail operating subsidiaries¹ (collectively, “CN”) hereby responds and objects as follows to Applicants’ Second Set of Discovery Requests (“Applicants’ Second Requests” or “Requests,” and each a “Request”) served on June 1, 2026, in connection with the above-captioned proceeding. CN reserves the right to supplement or amend these Responses and Objections as circumstances may require.

At the outset, CN objects to the Requests, including the Definitions and Instructions, on the basis that they are impermissible pre-application discovery. The Applicants, not CN, have instigated and initiated this proceeding. While CN has filed a notice of intent, CN has not filed any responsive application, and the Surface Transportation Board (the “Board”) has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al. (STB served Feb. 11, 2026). CN’s

¹ Bessemer and Lake Erie Railroad Company, Cedar River Railroad Company, Chicago, Central & Pacific Railroad Company, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Iowa Northern Railway Company, The Pittsburgh & Conneaut Dock Company, and Wisconsin Central Ltd.

ability to prepare its comment on the Amended Application, any requests for conditions, and or any responsive application is hampered by the lack of transparency from Applicants, the quality of Applicants' Amended Application, and the fact that Applicants are yet to provide information missing from their Amended Application. Moreover, because CN is not an applicant to the proposed transaction, to the extent it voluntarily agrees to engage in discovery at this stage before the deadline for comments, condition requests, and responsive applications, such discovery should be commensurate with its role as a non-applicant and limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything specifically raised by any forthcoming CN responsive application.

CN further objects to the Requests, including the Definitions and Instructions, as irrelevant to the extent Applicants served these requests in order to respond to the Board's Decision No. 21, FD 36873 et al. (STB served May 28, 2026) requiring supplemental information on July 27, 2026. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need or serve discovery on third parties to supplement their Amended Application.

Further still, the Requests seek a tremendous amount of information that, by its very nature, is the most highly confidential, such that the burden associated with searching for, reviewing, and producing the responsive non-privileged information would prejudice CN beyond the proportionality required of discovery in this proceeding.

Lastly, CN notes that Applicants are now seeking from CN and other Class I Railroads information and documents that Applicants themselves have refused to produce, despite that Applicants were served such discovery requests soon after Applicants filed their notice of intent to file an application in July 2025. Applicants' double-handed approach to discovery is inappropriate and will not be countenanced.

Accordingly, and as laid out more fully below, CN respectfully objects to the bulk of Applicants' First Requests. CN remains willing and able to meet and confer to discuss whether any modified discovery requests should be served or whether CN can satisfy the First Requests as outlined below.

GENERAL OBJECTIONS

CN makes the following General Objections to the Requests and incorporates them, as well as the Objections to Definitions and Instructions below, into its responses to each and every Request (including subparts), whether or not specifically stated in the individual response. An assertion of the same, similar, or additional objections in response to a specific Request does not waive any of these General Objections as to that or any Request. CN's failure to object to a specific Request on a particular ground shall not be construed as a waiver of its right to object on any ground.

1. CN objects to the Requests, including the Definitions and Instructions, on the basis that they are impermissible pre-application discovery. CN has not filed any responsive application, comment, or otherwise in response to the Amended Application. Nor has the Board ordered that CN produce any materials in the above-captioned proceeding. Accordingly, any discovery served on CN is premature. *See*

Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026) (“[T]he Major Merger Rules do not support compelling [broad discovery] now during the pre-application phase.”); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Moreover, even if any responsive application is filed, discovery would be limited only to those issues directly arising out of Applicants’ proposed transaction, not any transaction otherwise, and anything raised by CN’s responsive application.

2. CN objects to the Requests, including the Definitions and Instructions, as disproportionately burdensome to the extent Applicants served these requests in order to respond to the Board’s Decision No. 21, FD 36873 et al. (STB served May 28, 2026). Nothing in Decision No. 21 authorizes or suggests it would be appropriate for Applicants to serve discovery on any third party.

3. CN objects to the Requests, including the Definitions and Instructions, to the extent they impose burdens, obligations, or requirements that are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B, any discovery guidelines to be ordered in the above-captioned proceeding, or under other Board rules or precedents. In particular, CN objects to the Requests, including the Definitions and Instructions, because and to the extent they are disproportionately burdensome and not justified by any compelling need. CN is a third party and has filed a notice of intent. As such, CN’s discovery obligations (if any) are materially different from the Applicants’ and the discovery sought by Applicants in the First Requests is disproportionately burdensome in light of CN’s role in these proceedings.

4. CN objects to the Requests to the extent they seek identification of “all” documents or a category of information where the production of a subset of documents would be sufficient to respond to the Request on the basis that such Requests are unduly burdensome.

5. CN objects to the Requests, including the Definitions and Instructions, to the extent they seek information that is cumulative or duplicative, already in the Applicants’ possession, custody, or control, or that is obtainable from publicly available sources, or from another source that is more convenient, less burdensome, or less expensive, including, without limitation, by other means of discovery.

6. CN objects to the Requests to the extent the Requests seek information that is protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. In the event CN inadvertently produces or provides any such information, and such information is the proper subject of the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection, such disclosure is not to be construed as a waiver of any of these privileges, exemptions, or protections. CN reserves the right to demand that, in accordance with the Protective Order issued in the above-captioned proceeding Decision No. 1, FD 36873 et al. (STB served Aug. 5, 2025) (the “Protective Order”), such inadvertently produced privileged information be returned to it and that all copies in Applicants’ possession, and that of its counsel, consultants, subsidiaries, or other agents, be destroyed.

7. CN objects to the Requests, Instructions, and Definitions, to the extent they seek information or documents that contain confidential, proprietary, or commercially sensitive information. CN will only produce such information subject to the Protective Order as Highly Confidential.

8. CN reserves all rights to supplement, amend, revise, correct, or clarify these objections and/or responses, and CN reserves its rights to assert any applicable objection, privilege, or other protection in connection with such supplement or amendment.

9. CN does not concede the relevance, materiality, competency, or admissibility as evidence of documents or information requested in the Requests or the Responses or productions thereto provided by CN. CN reserves its right to object on any ground to the use of the Responses herein, or its related productions, in this proceeding or in any subsequent appeal, proceeding, action, or trial.

10. CN objects to the Requests to the extent that they purport to seek documents or information not in CN's possession, custody, or control.

11. CN objects to the Requests as unduly burdensome and oppressive, particularly in light of CN's status as a non-applicant, to the extent that they purport to require CN to create, generate, compile, or develop documents, data, or other materials not kept, or in a form not kept, in the ordinary course of CN's business, or to undertake anything more than a reasonable search for responsive information.

12. CN reserves the right to provide responsive, non-privileged, materials on a rolling basis.

13. CN objects to the Requests to the extent they call for categories of documents or information Applicants themselves have failed or refused to produce in response to any discovery request to which such documents or information are responsive. As the parties that initiated this proceeding and are seeking approval of the proposed transaction from the Board, Applicants are subject to substantially greater discovery obligations than a non-applicant such as CN.

OBJECTIONS TO THE DEFINITIONS AND INSTRUCTIONS

14. CN objects to Applicants' definition No. 3, "Communication" to the extent it imposes burdens, obligations, or requirements which are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B. CN further objects to Definition No. 3 as vague and ambiguous and as overbroad, unduly burdensome, and not proportional to the needs of this proceeding, to the extent it would require the production of text messages, instant messages, or any electronic communications other than email, and to the extent it purports to require production of communications that were not reduced to writing. CN objects to definition No. 2 as vague and ambiguous. CN further objects to definition No. 3 to the extent that it seeks information or data protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. Subject to and without waiving these objections or the General Objections, CN will not search for or produce these categories of "Communications" and will not produce "Communications" that are privileged or otherwise non-discoverable.

15. CN objects to Applicants' definition No. 5, "Document" to the extent it imposes burdens, obligations, or requirements which are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B. CN further objects to Definition No. 3 as vague and ambiguous and as overbroad, unduly burdensome, and not proportional to the needs of this proceeding, to the extent that it would require production of text messages, instant messages, or any electronic communications other than email. CN further objects to definition No. 5 to the extent that it seeks information or data protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. Subject to and without waiving these objections or the General Objections, CN will not search for or produce these categories of "Documents" and will not produce "Documents" that are privileged or otherwise non-discoverable.

16. CN objects to Applicants' definition No. 9, "Produce" to the extent it imposes burdens, obligations, or requirements which are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B.

17. CN objects to Applicants' definition No. 14, "You" and "Your" as overbroad, unduly burdensome, and not proportional to the needs of this proceeding, to the extent that it would require CN to respond to Requests with respect to CN's "predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents,

subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.”

18. CN objects to Applicants’ instruction No. 1 as vague and ambiguous and overly broad, unduly burdensome, and not proportional to the needs of this proceeding to the extent that it would require CN to search for and produce Documents and Communications for its officers, directors, employees, attorneys, agents, and representatives thereof, to the extent those individuals neither have information that is relevant nor proportional to the needs of the proceeding, and/or it would be unduly burdensome to produce.

19. CN objects to Applicants’ instruction No. 3 as unduly burdensome, and to the extent that it imposes burdens, obligations, or requirements which are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B.

20. CN objects to Applicants’ instruction No. 5 as overly broad, unduly burdensome, and not proportional to the needs of this proceeding to the extent that it requires CN to collect and produce Documents and Communications for an unduly burdensome period of time and “to the present.” Subject to and without waiving this objection or the General Objections, to the extent CN agrees to search for and produce any materials, it will only search for and produce non-privileged, responsive Documents and Communications and CN will meet and confer with Applicants regarding the appropriate date range of such search.

21. CN objects to instruction No. 6 as unduly burdensome and to the extent it purports to impose obligations on CN that are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B.

SPECIFIC OBJECTIONS AND RESPONSES

In addition to its General Objections (which apply in full to each and every Request, without further enumeration), CN sets forth below Specific Objections and Responses to each Request. CN preserves all of its General Objections set forth above, and none of the following Specific Objections shall waive its General Objections. Nor shall any of CN's Specific Objections limit the scope, breadth, generality, or applicability of those General Objections.

REQUEST NO. 5

Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN has not produced any documents in response to discovery requests submitted by other participants in this proceeding. Subject to and without waiving

these objections or the General Objections, to the extent CN produces documents and information in response to discovery requests at a later date, CN agrees to provide them.

REQUEST NO. 6

Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure.

CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that it seeks materials that are readily and equally available to Applicants from sources other than CN in a more convenient, less burdensome, or less expensive manner, including by requesting the materials from other parties to this matter that are better suited to respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks proprietary or confidential business information, trade secrets, or other sensitive information, including information subject to existing or continuing confidentiality agreements or obligations with third parties. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 7

Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail Response industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the

governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 8

Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks information that is protected by the attorney-client privilege, the attorney work

product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 9

Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this

Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that other parties to this matter that are better suited to respond to this Request.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 10

Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, "mergers") involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding, including because, to the extent such information exists, it would be extremely competitively sensitive, and because of the lack of need by Applicants. To the extent any such internal documents exist, they would be among the most sensitive information held by CN. CN further objects to this Request as vague and ambiguous, overburdensome, and disproportionate to the needs of the proceeding to the extent it requires CN to search for any merger, acquisition, or other control transaction contemplated by anyone within CN. CN further objects to this Request to the extent that it seeks documents that are protected by the

attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request on the basis that the information requested can be obtained in less onerous ways. CN further objects to this Request to the extent that other parties to this matter that are better suited to respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to public statements made by CN executives regarding plans for the rail industry, including, but not limited to, statements made during CN's Q3 and Q4 2025 Financial and Operating Results. CN further refers Applicants to CN's forthcoming comment on the Amended Application for discussion of the downstream impacts of the merger. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 11

Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP's or NS's position in the railroad industry, Your growth or strategies for growth, and UP's or NS's growth or strategies for growth.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding, including because, to the extent such information exists, it would be extremely competitively sensitive, and because of the lack of need by Applicants. To the extent any such internal documents exist, they would be among the most sensitive information held by CN. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that other parties to this matter that are better suited to

respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to public statements made by CN executives regarding plans for the rail industry, including, but not limited to, statements made during CN's Q3 and Q4 2025 Financial and Operating Results. CN further refers Applicants to CN's forthcoming comment on the Amended Application for discussion of the impacts of the merger. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 12

Produce all Documents and Communications relating to the Proposed Transaction's potential impacts on Your, the Applicants', or any other rail carrier's rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026).

Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding, including because, to the extent such information exists, it would be extremely competitively sensitive, and because of the lack of need by Applicants. To the extent any such internal documents exist, they would be among the most sensitive information held by CN. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects

to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to public statements made by CN executives regarding plans for the rail industry, including, but not limited to, statements made during CN's Q3 and Q4 2025 Financial and Operating Results. CN further refers Applicants to CN's forthcoming comment on the Amended Application for discussion of the impacts of the merger. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 13

Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting

this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that other parties to this matter that are better suited to respond to this Request.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to CN's forthcoming comment on the Amended Application. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 14

Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

Response

CN objects to this Request as it constitutes improper pre-application discovery.

CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by CN's responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable

privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that it seeks materials that are readily and equally available to Applicants from sources other than CN in a more convenient, less burdensome, or less expensive manner, including by requesting the materials from other parties to this matter that are better suited to respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to public statements made by CN executives regarding plans for the rail industry, including, but not limited to, statements made during CN's Q3 and Q4 2025 Financial and Operating Results. CN further refers Applicants to CN's forthcoming comment on the Amended Application. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 15

Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by CN's responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to CN's forthcoming comment on the Amended Application.

REQUEST NO. 16

Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work

product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 17

Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or joint line rates, services, or routes; interline or joint line routing options; or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No.

21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that it seeks materials that are readily and equally available to Applicants from sources other than CN in a more convenient, less burdensome, or less expensive manner, including by requesting the materials from other parties to this matter that are better suited to respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to CN's forthcoming comment on the Amended Application. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 18

Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or

agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 19

Produce system-wide train event data for all Your trains.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to

produce in response to substantively similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 20

Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request

to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 21

Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 22

Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those

issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 23

Produce all Documents relating to Your calculations of movement- related costs for the rail transportation services You provide, including detailed breakdowns of cost

(such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively

similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 24

Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work

product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 25

Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those

issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 26

Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines,

including with respect to pricing, bundling, tying, or linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that

CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 27

Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work

product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 28

Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026).

Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 29

Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

Response

CN objects to this Request as it constitutes improper pre-application discovery.

CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that

CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

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Dated: June 16, 2026

Respectfully submitted,

/s/ Sara Y. Razi

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Attorneys for CN

CERTIFICATE OF SERVICE

I hereby certify that on this June 16, 2026, I have caused the foregoing “Grand Trunk Corporation’s Responses and Objections to Applicants’ Second Set of Discovery Requests” to be served electronically or by first-class mail, postage pre-paid, on the service list for Finance Docket No. 36873.

/s/ Andrew Bernstein

Andrew Bernstein
Sr. Paralegal Manager
Simpson Thacher & Bartlett LLP

EXHIBIT I

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
—CONTROL— NORFOLK SOUTHERN CORPORATION AND NORFOLK
SOUTHERN RAILWAY COMPANY

CSXT'S RESPONSES AND OBJECTIONS
TO UNION PACIFIC'S AND NORFOLK SOUTHERN'S
SECOND SET OF DISCOVERY REQUESTS

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Attorneys for CSX Transportation, Inc.

CSX Transportation (“CSXT”) responds to the Second Set of Discovery Requests (the “Requests” and individually, a “Request”) of Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, “Applicants”), served on June 1, 2026, as follows.

GENERAL RESPONSES AND OBJECTIONS

1. CSXT’s responses and objections to these Requests are based on CSXT’s present knowledge, information, and belief. CSXT reserves the right to rely upon facts, documents, and other evidence that it may develop or that may subsequently come to its attention; to assert additional objections; and to supplement or amend these responses at any time as this proceeding continues.

2. CSXT objects to these Requests to the extent they seek to impose on CSXT discovery obligations equivalent to those applicable to Applicants. Applicants are seeking approval from the Surface Transportation Board (“STB”) of the Proposed Transaction—CSXT is not. Applicants therefore should and do face a significantly larger burden in discovery than entities such as CSXT that are not parties to the Proposed Transaction.

3. CSXT objects to these Requests as premature, as information from CSXT is not relevant to the case that Applicants chose to present in their Application. That Application reflects Applicants’ affirmative case and has already been filed, and CSXT has not submitted any responsive comments or application.

4. CSXT also objects to these Requests as premature in that CSXT and other parties served discovery requests on Applicants starting months ago, and to date, Applicants have produced very little in response to those requests. It is unreasonable for Applicants to demand large scale discovery from CSXT before they have yet to fully engage with their own discovery obligations.

5. In providing these responses, CSXT reserves all objections as to competency, relevancy, materiality, authenticity, and admissibility of any information requested in the Applicants' Requests and in any responses or productions CSXT may provide thereto, in any subsequent proceeding, or further proceedings in this matter. To the extent that CSXT provides responsive information or documents, CSXT does not concede that such information is relevant, material, or admissible into evidence, and any such production is not intended to waive any of CSXT's objections to any of Applicants' Requests.

6. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, to the extent they impose upon CSXT burdens or duties that are greater than, or otherwise conflict with, the requirements or the permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B or under other Surface Transportation Board rules or precedents; are not proportional to the needs of the above-captioned proceeding; or impose an undue burden on CSXT.

7. CSXT objects to each and every Request that asks that CSXT produce "all" documents, communications, or information as unduly burdensome to the extent it requests that CSXT engage in an unreasonably broad document and

information search, collection, and review in order to identify each and every document or piece of information that may possibly be responsive. To the extent CSXT agrees to produce responsive documents or information, CSXT will only produce reasonably accessible, non-privileged, responsive documents or information that it is able to locate or identify after a reasonable search.

8. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, that request information, documents, or communications that are: (a) already in the possession of Applicants; (b) publicly available or otherwise readily available or accessible to Applicants from other sources; (c) unreasonably cumulative or duplicative of documents already in Applicants' possession, custody, or control; or (d) otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT.

9. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, as unduly burdensome to the extent they seek production from the files of all current and former CSXT employees, including those who are not reasonably likely to possess non-duplicative responsive documents. Unless specifically stated otherwise, by stating that it will produce documents responsive to these Requests, CSXT represents that it will produce documents from files most likely to contain materials responsive to the Request without undue burden.

10. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, as unduly burdensome to the extent they purport to

require CSXT to conduct a special study or to undertake anything more than a reasonable search for responsive information. In responding to Applicants' Requests, CSXT will conduct a reasonable search of those accessible files in its possession in which information responsive to Applicants' Requests, as limited by CSXT's Objections, is likely to be located.

11. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, to the extent they purport to prohibit CSXT from redacting information that might reveal CSXT's commercially sensitive or long-term corporate strategies and is not relevant to this proceeding or is non-responsive to the Request. CSXT will redact any such information and reserves the right to redact any non-responsive information from otherwise responsive documents produced to Applicants.

12. CSXT objects to these Requests, and to each Request contained therein, as unduly burdensome and disproportionate to the needs of this case to the extent that Applicants have themselves refused to respond or refused to produce adequate materials or information in response to discovery requests served on them that seek similar or identical information.

13. CSXT objects to the production of, and is not producing, documents or information subject to any attorney-client privilege, work-product doctrine, or other applicable privilege or protection. CSXT reserves the right to redact privileged information from materials that it produces in response to the Requests. Any production of privileged documents or information is inadvertent and should not be

deemed as a waiver of any privilege. CSXT reserves all rights under applicable law, including the Protective Order entered in this case, to demand or require the return of all copies thereof and non-use by Applicants or by any other person or entity in this or any other proceeding.

14. CSXT objects to the production of documents that constitute or disclose confidential, proprietary, or commercially or competitively sensitive information. CSXT will produce such information, if not otherwise objectionable, designated “Confidential” or “Highly Confidential,” subject to the terms of the Protective Order entered in this case. CSXT reserves the right to seek additional protections as needed.

15. CSXT objects to Applicants’ Definition No. 2 defining “Communication” and any Request that uses the term to the extent this Definition seeks to expand upon and conflicts with 49 C.F.R. Part 1114, Subpart B. CSXT further objects to Definition No. 2 and any Request that uses the term as unduly burdensome and as seeking information that is not proportional to the probative value the information sought may have in this proceeding. CSXT also objects to Definition No. 2 and any Request that uses the term to the extent it seeks information not in the possession, custody, or control of CSXT.

16. CSXT objects to Applicants’ Definition No. 3 defining “Document” and any Request that uses the term to the extent this Definition seeks to expand upon and conflicts with 49 C.F.R. Part 1114, Subpart B. CSXT further objects to Definition No. 3 and any Request that uses the term as unduly burdensome and as

seeking information that is not proportional to the probative value the information sought may have in this proceeding. CSXT also objects to Definition No. 3 and any Request that uses the term to the extent it seeks information not in the possession, custody, or control of CSXT.

17. CSXT objects to Applicants' Definition No. 4 defining "Produce" and any Request that uses the term to the extent this Definition seeks to expand upon and conflicts with 49 C.F.R. Part 1114, Subpart B. CSXT further objects to Definition No. 4 and any Request that uses the term as unduly burdensome and as seeking information that is not proportional to the probative value the information sought may have in this proceeding. CSXT also objects to Definition No. 4 and any Request that uses the term to the extent it seeks information not in the possession, custody, or control of CSXT. CSXT also objects to Definition No. 4 and any Request that uses the term to the extent it seeks information or materials that CSXT does not keep in its ordinary course of business or would require CSXT to modify or alter documents from the way they are kept in the ordinary course of business.

18. CSXT objects to Definition No. 6 defining "You" and "Your" and any Request that uses the term as overly broad, unduly burdensome, disproportionate to the needs of this case, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it purports to require CSXT to respond to the Requests with respect to CSXT's "predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices,

and regional offices, as well as all persons acting or purporting to act on its behalf.” CSXT will respond to the Requests only with respect to CSXT.

19. CSXT objects to each and every Instruction as unduly burdensome to the extent the Instruction seeks to impose obligations on CSXT that are greater than or otherwise inconsistent with those imposed under 49 C.F.R. Part 1114, Subpart B.

20. CSXT objects to each and every Instruction as unduly burdensome to the extent the Instruction seeks to impose obligations on CSXT that are greater than or otherwise inconsistent with the instructions that Applicants have agreed to in responding to discovery requests served on them.

21. CSXT objects to Instruction No. 3 to the extent it purports to impose obligations on CSXT that are greater than or otherwise inconsistent with those imposed under 49 C.F.R. Part 1114, Subpart B. CSXT further objects to Instruction No. 3 as overbroad and unduly burdensome in asking for additional information about any information or Document that is “otherwise not discoverable.”

22. CSXT objects to Instruction No. 5 as purporting to seek documents or information for an unduly burdensome time period from CSXT, which is not an Applicant, and particularly since Applicants have themselves objected to a similar time period. Discovery is ongoing, and CSXT reserves the right to supplement this response and/or negotiate a relevant time period for its responses at a later time as appropriate.

DISCOVERY REQUESTS AND RESPONSES

REQUEST NO. 5

Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

CSXT RESPONSE TO REQUEST NO. 5

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request as vague and ambiguous with respect to the term “produced.” CSXT also objects to this Request to the extent it seeks materials not within CSXT’s possession, custody, or control.

Subject to and without waiving the foregoing objections and its General Objections, CSXT will provide Applicants with a copy of or access to the information and documents that CSXT produces in response to discovery requests in this proceeding and will serve its responses and objections to discovery requests in this proceeding on all parties of record.

REQUEST NO. 6

Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups,

labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

CSXT RESPONSE TO REQUEST NO. 6

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT likewise objects to this Request as vague and ambiguous with respect to the terms “relating” and “submitted to.” CSXT additionally objects to this Request to the extent it seeks materials not within CSXT’s possession, custody, or control. CSXT also objects to this Request on the grounds that it is vague, ambiguous, and overbroad to the extent the term “You” is defined to include every agent and employee of CSXT, many of whom may have discussed the Potential Transaction but had no authority or responsibility in relation to the Potential

Transaction. CSXT further objects to this Request to the extent it seeks materials that are readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Documents or Communications relating to the Proposed Transaction, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 7

Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the

governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

CSXT RESPONSE TO REQUEST NO. 7

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents. CSXT likewise objects to this Request as vague and ambiguous with respect to the terms “concerning,” “consisting,” “talking points,” “prepared messaging,” and “relating.” CSXT also objects to this Request on the grounds that it is vague, ambiguous, and overbroad to the extent the term “You” is defined to include every agent and employee of CSXT, many of whom may have discussed the Potential Transaction but had no authority or responsibility in relation to the Potential Transaction. CSXT additionally objects to this Request to the extent it seeks materials that are readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to

produce similar Documents in response to discovery requests they have received.

CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's talking points or prepared messaging relating to the Proposed Transaction, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 8

Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

CSXT RESPONSE TO REQUEST NO. 8

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT further objects to this Request as overly broad and unduly burdensome in asking CSXT to identify "all" individuals and/or

entities. CSXT further objects to this Request as vague and ambiguous with respect to the terms “sought,” “solicited,” and “discussed.” CSXT also objects to this Request on the grounds that it is vague, ambiguous, and overbroad to the extent the term “You” is defined to include every agent and employee of CSXT, many of whom may have discussed the Potential Transaction but had no authority or responsibility in relation to the Potential Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 9

Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

CSXT RESPONSE TO REQUEST NO. 9

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other

applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the terms “discounts,” “contract extensions,” “other economic value or concession,” “requested,” “offered in connection,” “stakeholder,” and “non-support.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT.

Subject to and without waiving the foregoing objections and its General Objections, CSXT will conduct a reasonable investigation into whether any responsive, non-privileged materials exist and will produce such materials identified after a reasonable search.

REQUEST NO. 10

Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

CSXT RESPONSE TO REQUEST NO. 10

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT additionally objects to this Request as duplicative of the Requests contained in Applicants' First Set of Discovery Requests. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT further objects to this Request as overly broad and unduly burdensome in asking CSXT to produce "all" Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms "relating to," "involving," "discussing," "alternatives," "considered," and "executing," and as vague, ambiguous, overly broad and unduly burdensome with respect to the term "other control transactions." CSXT further objects to this Request on the grounds that it is vague, ambiguous, and overbroad to the extent the term "You" is defined to include every agent and employee of CSXT, many of whom may have "discuss[ed]" or "consider[ed]" a potential transaction but had no authority or responsibility to pursue any such transaction for CSXT. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this

Request as overly broad, unduly burdensome, and not relevant to the STB's review of the Proposed Transaction, to the extent it seeks information about mergers, acquisitions, or other transactions that may not qualify as a Major Transaction as defined by the STB. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Documents or Communications relating to potential railroad mergers, acquisitions, or other control transactions, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT refers Applicants to CSXT's Responses and Objections to Applicants' First Set of Discovery Requests.

REQUEST NO. 11

Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP's or NS's position in the railroad industry, Your growth or strategies for growth, and UP's or NS's growth or strategies for growth.

CSXT RESPONSE TO REQUEST NO. 11

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT,

which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT further objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT also objects to this Request as overly broad and unduly burdensome in seeking exceptionally broad topics that as stated could potentially encompass countless documents concerning CSXT’s business operating a railroad, in the possession of every CSXT employee at every level. CSXT also objects to this Request as vague and ambiguous with respect to the terms “competition,” “consolidation,” “position,” “growth,” and “strategies for growth.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s Documents or Communications relating to competition in the railroad industry, consolidation in

the railroad industry, and the other topics listed in this Request, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 12

Produce all Documents and Communications relating to the Proposed Transaction's potential impacts on Your, the Applicants', or any other rail carrier's rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

CSXT RESPONSE TO REQUEST NO. 12

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce "all" Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the terms "potential impacts," "markets," "market

shares,” “growth,” “financial viability,” “competitive position,” and “relationships.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s Documents or Communications relating to the Proposed Transaction’s potential impacts, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 13

Produce all Documents and Communications relating to the Potential Transaction’s potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

CSXT RESPONSE TO REQUEST NO. 13

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT,

which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the term “potential impacts.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s Documents or Communications relating to the Proposed Transaction’s potential impacts on Class II or Class III railroads, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 14

Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

CSXT RESPONSE TO REQUEST NO. 14

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce "all" Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the terms "potential or projected public benefits," "potential or projected impacts," and "railroad or truck competition." CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT.

CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Documents or Communications relating to the Proposed Transaction's potential public benefits, diversions, operating efficiencies, cost savings, or potential impacts, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 15

Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

CSXT RESPONSE TO REQUEST NO. 15

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT has not submitted any comments or responsive application to the Proposed Transaction. CSXT objects to this Request in that it seeks the premature disclosure, outside the deadlines to be set by the STB if and when it issues a procedural schedule in these proceedings, of any requests for

conditions or responsive applications that CSXT may request. CSXT further objects to this Request in that it seeks a category of materials that, at least at this time, is very likely to be protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the term “potential requests for conditions or responsive applications.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT.

REQUEST NO. 16

Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

CSXT RESPONSE TO REQUEST NO. 16

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it

seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT further objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “partnerships,” “initiatives,” “arrangements,” and “implemented.” CSXT further objects to this Request to the extent it is duplicative of Request No. 4. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s Documents or Communications relating to potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 17

Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or joint line rates, services, or routes; interline or joint line routing options; or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

CSXT RESPONSE TO REQUEST NO. 17

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce "all" Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the terms "impact" or "potential impact." CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar

Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Documents or Communications relating to the Proposed Transaction's impacts or potential impacts and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 18

Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

CSXT RESPONSE TO REQUEST NO. 18

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT also objects to this Request as overly broad and unduly burdensome to the extent Applicants have not themselves produced the same data fields requested. CSXT additionally objects to this Request as overly

broad and unduly burdensome in seeking data relating to “all” traffic and events. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s system-wide car, container, or movement data, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 19

Produce system-wide train event data for all Your trains.

CSXT RESPONSE TO REQUEST NO. 19

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT also objects to this Request as overly broad and unduly burdensome to the extent Applicants have not themselves produced the same data fields requested. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking data relating to “all” trains. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise

readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's train event data, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 20

Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

CSXT RESPONSE TO REQUEST NO. 20

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT also objects to this Request as overly broad and unduly burdensome in that Applicants have not themselves produced the same data fields requested. CSXT also objects to this Request as overly broad and unduly burdensome including because it seeks data that is not kept in a readily collectable format and would require CSXT to perform a special study to collect the data, to the extent it exists. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT, including from Applicants themselves. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's reciprocal switching data, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 21

Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated

payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

CSXT RESPONSE TO REQUEST NO. 21

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT also objects to this Request as overly broad and unduly burdensome to the extent Applicants have not themselves produced the same data fields requested. CSXT also objects to this Request as overly broad and unduly burdensome including because it seeks data that is not kept in a readily collectable format and would require CSXT to perform a special study to collect the data, to the extent it exists. CSXT further objects to this Request as overly broad and unduly burdensome in seeking data relating to “all” interchange volumes regardless of their relationship to the issues posed in these proceedings. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT, including from Applicants themselves. CSXT also objects to this Request as premature. The case Applicants have presented in their Application

does not rely on CSXT's interchange volume data, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 22

Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

CSXT RESPONSE TO REQUEST NO. 22

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as vague and ambiguous with respect to the terms “rates,” “pricing models,” “pricing systems,” and “internal pricing formulas.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants

have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's internal methodology for determining rates for each route, commodity, and customer or its Documents showing how it determines such rates, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 23

Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

CSXT RESPONSE TO REQUEST NO. 23

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request as seeking data that is not relevant, overly broad, unduly burdensome, and not proportional to the needs of this case. Applicants themselves rely on the STB's Uniform Rail Costing

System data in their Application for calculations of their costs and have not themselves produced their internal movement-related costing data. CSXT also objects to this Request as overly broad and unduly burdensome including because it seeks data that is not kept in a readily collectable format and would require CSXT to perform a special study to collect the data, to the extent it exists. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT, including from Applicants themselves.

REQUEST NO. 24

Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

CSXT RESPONSE TO REQUEST NO. 24

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and

Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “policies,” “strategies,” “pricing,” and “level of returns.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s particular pricing policies and strategies or its Documents and Communications concerning those policies and strategies, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 25

Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

CSXT RESPONSE TO REQUEST NO. 25

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it

seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “strategies” and “growing.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s particular growth strategies or its Documents and Communications concerning those strategies, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 26

Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or linking rates or

services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

CSXT RESPONSE TO REQUEST NO. 26

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “obtaining or maintaining business,” “pricing,” “bundling,” “tying,” “linking rates or services,” and “discounts.” CSXT additionally objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s particular strategies for pricing for customers with multiple facilities or Documents or Communications concerning any such strategies, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 27

Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

CSXT RESPONSE TO REQUEST NO. 27

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “changes” and “implementation.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this

Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Precision Scheduled Railroading-related service changes or Documents and Communications concerning any such changes, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 28

Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

CSXT RESPONSE TO REQUEST NO. 28

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking "all" Documents and Communications. CSXT also objects to this Request as vague and ambiguous with

respect to the term “offers.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s offers to customers opening new facilities or Documents or Communications concerning any such offers, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 29

Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

CSXT RESPONSE TO REQUEST NO. 29

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it

seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “prepared,” “regular basis,” “plans,” “strategies,” and “retaining.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case that Applicants have presented in their Application does not rely on CSXT’s particular revenue growth plans or strategies or its Documents and Communications concerning such plans or strategies, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

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Respectfully submitted,

/s/ Eric P. Enson

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Attorneys for CSX Transportation, Inc.

Dated: June 16, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of June, 2026, I caused a true and correct copy of the foregoing CSX Transportation, Inc.'s Responses and Objections to Applicants' Second Set of Discovery Requests to be 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/ Eric P. Enson

Eric P. Enson

Attorney for CSX Transportation, Inc.

EXHIBIT J

Filed under seal pursuant to the Protective Order

EXHIBIT K

COVINGTON

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July 6, 2026

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

Counsel:

We write on behalf of Applicants to address deficiencies in the responses of BNSF, CN, CPKC, and CSX (“Non-Applicant Railroads”) to Applicants’ Second Set of Discovery Requests, which were served on June 1, 2026.

In response to a substantial majority of requests, Non-Applicant Railroads have refused to produce responsive documents and information. For the few requests where Non-Applicant Railroads have provided a substantive response or committed to produce responsive documents or information, they appear to be improperly narrowing the scope of responsive material. Non-Applicant Railroads’ refusal to search for or produce responsive material is contrary to the discovery rules of the Surface Transportation Board, the decisions of the Board and Judge Soulikias, and inconsistent with Non-Applicant Railroads’ assertions regarding the types and scope of discovery necessary in this proceeding.

As a result of Non-Applicant Railroads’ obstruction, they have produced **zero** responsive documents in this proceeding. This is unacceptable. Non-Applicant Railroads elected to participate in this proceeding as parties. While party status grants Non-Applicant Railroads the right to serve discovery requests, submit comments and motions to the Board and Judge Soulikias, and formally challenge or seek conditions to the proposed merger, it also imposes obligations, including the obligation to respond to discovery in accordance with the Board’s rules.

There can be no dispute that the documents and information Applicants seek from Non-Applicant Railroads are subject to discovery. They all relate to topics that Non-Applicant Railroads have already insisted are relevant to this proceeding—whether through the hundreds of discovery requests that they have issued to Applicants, their statements opposing the merger, or their robust public relations campaigns against the proposed transaction. Indeed, many mirror

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July 6, 2026

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requests that Non-Applicant Railroads themselves have served on Applicants. Among other things, Applicants' requests seek documents regarding: (i) efforts to influence shippers' and other stakeholders' positions with respect to the proposed merger; (ii) the state of competition, cooperation, and consolidation in the rail industry; (iii) potential impacts of the proposed transaction; and (iv) how strategies with respect to pricing, rail growth, revenue growth, and bundling services affect the market. Applicants also seek production of the same types of data that Non-Applicant Railroads requested and received from Applicants.

Some of the above requests, namely the requests for data, can be addressed through targeted collection of responsive documents or information. For the remaining requests, Non-Applicant Railroads must conduct custodial searches—comparable to the searches they have demanded of Applicants. This is necessary to avoid placing Applicants at a disadvantage in responding to Non-Applicant Railroads' arguments regarding the proposed transaction. If Non-Applicant Railroads are permitted to sift through Applicants' internal day-to-day communications in an attempt to identify materials that undermine Applicants' claims regarding the proposed transaction and its effect on the rail industry, Applicants must have access to comparable materials from other railroads in order to fairly respond.

Please provide your availability to meet and confer this week regarding Applicants' requests.

Respectfully submitted,

/s/ Kevin M. Kelly

Kevin M. Kelly

*Attorney for Union Pacific
Corporation and Union
Pacific Railroad Company*

EXHIBIT L

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36873

**UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
– CONTROL –
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY**

CPKC’S FIRST SET OF DISCOVERY REQUESTS TO APPLICANTS

Pursuant to 49 C.F.R. §§ 1114.26 and 1114.30, Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City and CPKC, on behalf of itself and its U.S. rail carrier subsidiaries (collectively “CPKC”),¹ requests that Union Pacific Corporation and Union Pacific Railroad Company and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively “Applicants”), respond to no later than December 26, 2025, and produce documents responsive to the following discovery requests no later than January 2, 2026, unless otherwise agreed to by the parties. Applicants are requested to contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific and Norfolk Southern.

¹ 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.

2. “BNSF” means BNSF Railway Company; its parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, messages on other messaging applications (such as Signal, Slack, Salesforce, Telegram, WhatsApp, WeChat, Teams, or Zoom) other computer linkups, written memoranda, and in-person conversations.

4. “Concerning” means relating to, referring to, describing, reflecting, evidencing, constituting, or comprising.

5. “CSX” means CSX Transportation, Inc.; its parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

6. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any Communication, writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.

7. “East-West Freight Movements” means intercity freight movements between locations served by or via UP that are west of a MidContinent Gateway and locations served by or via NS that are east of a MidContinent Gateway, regardless of whether such freight traffic moves by rail, truck, barge, steamship, or some combination thereof.

8. “Including” means including without limitation.

9. “Merger Agreement” means the “Agreement and Plan of Merger dated as of July 28, 2025” referenced in Applicants’ Notice of Intent to File Application for Approval of Transaction Subject to 49 U.S.C. §§ 11323-25 (UP-1/NS-1), filed in this docket on July 30, 2025.

10. “Midcontinent Gateway” means Chicago, Kansas City, Omaha/Council Bluffs, Kansas City, St. Louis/East St. Louis, Memphis/West Memphis, Shreveport, Meridian, Myrtlewood, Birmingham, and New Orleans.

11. “NS Executive Level Documents” means Documents prepared by, prepared for, or received by, (a) the Board of Directors of Norfolk Southern, (b) officers of Norfolk Southern; (c) Norfolk Southern management personnel in the Operations, Marketing & Sales, and Strategic Planning areas at the level of Assistant Vice President and above; and (d) any predecessors or successors of the persons who currently hold each of the above positions listed in parts (a)-(c) above.

12. “NSC” means Norfolk Southern Corporation.

13. “NSR” means Norfolk Southern Railway Company.

14. “Norfolk Southern” or “NS” means NSC, NSR, and their respective parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

15. “Person” or “Persons” means any natural person or any entity including, but not limited to: any corporation, partnership, association, company, estate, business, governmental entity, or agency (public or private), having a separate identification, which is recognized either in law or in fact.

16. “Proposed Transaction” means the proposed “acquisition of control by UPC, through its wholly owned subsidiary Ruby Merger Sub 1 Corporation, of NSC, and through it of NS, and for the resulting common control by UPC of UP and NS” described in Applicants’ Notice of Intent to File Application for Approval of Transaction Subject to 49 U.S.C. §§ 11323-25 (UP-1/NS-1), filed in this docket on July 30, 2025.

17. “Relating to” means mentioning, discussing, reflecting, containing, concerning, embodying, stating, dealing with, or making reference to or relating to in any way.

18. “Standard Point Location Code” or “SPLC” means the numeric code used to specify the physical location of a station.

19. “Transcontinental Rail Merger” means any potential combination of Class 1 railroads that includes UP and NS; UP and CSX; BNSF and NS; or BNSF and CSX (or multiple of such combinations).

20. “U.S.” means the United States of America.

21. “UP Draft S-4” means the form S-4 registration statement filed by Union Pacific Corporation with the U.S. Securities and Exchange Commission on September 16, 2025.

22. “UP Executive Level Documents” means Documents prepared by, prepared for, or received by, (a) the Board of Directors of Union Pacific; (b) officers of Union Pacific; (c) Union Pacific management personnel in the Operations, Marketing & Sales, and Strategic Planning areas at the level of Assistant Vice President and above; and (d) any predecessors or successors of the persons who currently hold each of the above positions listed in parts (a)-(c) above.

23. “UPC” means Union Pacific Corporation.

24. “UPRR” means Union Pacific Railroad Company

25. “Union Pacific” or “UP” means UPC, UPRR, and their respective parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

26. The “White House” means President Donald J. Trump, Vice President JD Vance, the Cabinet, and the Executive Office of the President.

INSTRUCTIONS

1. Unless otherwise specified, the time period for these requests is from January 1, 2019, through the date of the response.

2. Documents in Microsoft Excel, Access, and PowerPoint, should be produced in native format.

3. Data files should be submitted in electronic format, specifically Microsoft Excel spreadsheets or delimited text formats, with all underlying data un-redacted and all underlying formulas and algorithms intact. Data files should be produced with the information necessary to read and interpret the data (*e.g.*, record layout, field names and definitions, definitions of terms or abbreviations used in the fields).

4. Applicants include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

5. For purposes of these requests, so as to provide the broadest possible construction of a request: the singular shall be read to include the plural and vice versa, the present tense shall be read to include the past tense and vice versa, the term “each” shall be read to include the term “every” and vice versa, the term “any” shall be read to include the term “all” and vice versa, and the term “and” shall be read to include the term “or” and vice versa.

6. To the extent materials called for herein contain Confidential Information under the Protective Order entered in the Decision served August 5, 2025 in this proceeding, CPKC will treat them in accordance with this Protective Order.

7. If an Applicant objects to any portion of any Request, it should identify the portion to which it objects, state the basis for the objection, and respond to the remainder. If an Applicant has objections, that Applicant's counsel is requested to promptly confer with undersigned counsel for CPKC so that Applicant's objections can be promptly addressed and resolved. Please contact Dylan Aluisse or Nathan Golden (contact information below) in the first instance with any questions or concerns or to set up a meet and confer regarding these Requests.

8. If an Applicant withholds any information or Document on the ground that it is privileged, subject to the work product doctrine, or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable. Such information should be supplied in sufficient detail to permit CPKC to assess the applicability of the privilege claimed.

9. If any of the requested Documents was but is no longer in an Applicant's possession or subject to its control, state what disposition was made of it and when, and explain the reasons for such disposition.

10. If there are no Documents responsive to a particular Request, Applicants should so state in writing.

11. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

12. These Requests are continuing in nature. If, after making an initial response hereto (and up until the time of a hearing by the Surface Transportation Board in this proceeding), Applicants or their attorneys, agents, or representatives, obtain or become aware of any further Documents responsive to these Requests that were unavailable at the time of the initial response, Applicants are requested to produce such Documents within a reasonable time.

REQUESTS

1. Produce all information and Documents that Applicants or their representatives produce in response to discovery requests submitted by other participants in this proceeding.

CPKC repeats this request on a continuing basis during the pendency of the proceeding.

2. Produce all information and Documents that Applicants or their representatives receive in response to discovery requests they submit to other participants in this proceeding.

CPKC repeats this request on a continuing basis during the pendency of the proceeding.

3. Produce Communications sufficient to show any agreements or understandings reached with other participants in this proceeding, or any positions asserted by Applicants to the extent not reflected in Documents served on all parties of record in this proceeding, regarding the scope of Applicants' responses to discovery requests submitted by other parties in this

proceeding. CPKC repeats this request on a continuing basis during the pendency of the proceeding.

4. Produce all Documents that Applicants have provided to third parties, including but not limited to shippers, smaller railroads, public officials, ports, and rail industry suppliers, regarding the Proposed Transaction.

5. Produce all Documents prepared or reviewed by Union Pacific CEO James Vena in preparation for his September 2025 meeting with President Donald J. Trump.

6. Produce all Documents reflecting Communications between Union Pacific and any member of the White House since January 20, 2025.
7. Produce all Documents summarizing, describing, referencing, or discussing the September 2025 meeting between Union Pacific CEO James Vena and President Donald J. Trump.
8. Produce density charts and/or maps for the UP and NS systems for the period January 1, 2019 to the present.
9. Produce maps, charts, or diagrams prepared in the ordinary course by Applicants showing the capacity (maximum, fluid, and available) of rail lines comprising UP's and NS's networks for the period January 1, 2019 to the present.
10. Produce all UP Executive Level Documents since January 1, 2000 studying, analyzing, or discussing potential railroad combinations involving UP, BNSF, CSX, or NS, or discussing Transcontinental Rail Mergers generally.
11. Produce all NS Executive Level Documents since January 1, 2000 studying, analyzing, or discussing potential railroad combinations involving UP, BNSF, CSX, or NS, or discussing Transcontinental Rail Mergers generally.
12. Produce all NS Executive Level Documents relating to the "[l]ane [r]ationalization" referenced in the NS Press Release dated April 4, 2024, entitled "Norfolk Southern announces new initiatives to drive further productivity and accountability."
13. Produce all UP Executive Level Documents relating to the initiative described in the UP Press Release dated September 12, 2023, entitled "Union Pacific's Newest Offering Removes Full Day of Transit Between the U.S., Mexico and Canada, Creating Unmatched Service for Customers."

14. Produce all UP Executive Level Documents relating to the initiative described in the UP Press Release dated September 15, 2025, entitled “New Union Pacific and Norfolk Southern Intermodal Gateway Expands Market Access.”

15. Produce all NS Executive Level Documents relating to the initiative described in the UP Press Release dated September 15, 2025, entitled “New Union Pacific and Norfolk Southern Intermodal Gateway Expands Market Access.”

16. Produce all UP Executive Level Documents relating to strategies for growing UP’s rail traffic.

17. Produce all NS Executive Level Documents relating to strategies for growing NS’s rail traffic.

18. Produce all UP Executive Level Documents relating to forecasts prepared in the ordinary course of future traffic levels on the UP rail network.

19. Produce all NS Executive Level Documents relating to forecasts prepared in the ordinary course of future traffic levels on the NS rail network.

20. Produce all UP Executive Level Documents relating to policies or strategies for the pricing of UP’s rail transportation services, including without limitation the level of returns that UP requires when pricing rail traffic, including but not limited to the approaches referenced by UP’s then CFO Rob Knight in 2018 (“As you know, and you followed us for many years, for many years we’ve been willing to walk away from business if it doesn’t have the right returning characteristics”) (Remarks at Credit Suisse Industrials Conference (Nov. 19, 2018)); and UP’s current CPO Jennifer Hamann in 2019 (“We have done I would say a very good job over the last several years of really focusing on that profitability of each piece of our business and where it

didn't make sense for us to move it, we had moved away from some of this.") (Remarks at Stephens Nashville Investment Conference (Nov. 15, 2019)).

21. Produce all NS Executive Level Documents relating to policies or strategies for the pricing of NS's rail transportation services, including without limitation the level of returns that NS requires when pricing rail traffic.

22. Produce all UP Executive Level Documents relating to UP's changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

23. Produce all NS Executive Level Documents relating to NS's changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

24. Produce all UP Executive Level Documents discussing, analyzing, studying, or referring to UP's ability or potential ability to negotiate, insist upon, or obtain more favorable terms for UP transportation services, or obtain additional business, by linking, bundling, tying, or otherwise including in a negotiation or offer other rail transportation service that NS is uniquely or advantageously situated to perform (including without limitation where NS is the sole rail carrier serving a particular shipper facility or providing an efficient rail route).

25. Produce all NS Executive Level Documents discussing, analyzing, studying, or referring to NS's ability or potential ability to negotiate, insist upon, or obtain more favorable terms for NS transportation services, or obtain additional business, by linking, bundling, tying, or otherwise including in a negotiation or offer other rail transportation service that NS is uniquely or advantageously situated to perform (including without limitation where NS is the sole rail carrier serving a particular shipper facility or providing an efficient rail route).

26. Produce all Documents prepared by personnel in the marketing department and presented to managers recommending, reviewing, or discussing strategies for contracting with customers that have multiple facilities served by UP, including without limitations documents in the form of emails, strategy decks, playbooks, or any other form.

27. Produce all Documents prepared by personnel in the marketing department and presented to managers recommending, reviewing, or discussing strategies for contracting with customers that have multiple facilities served by NS, including without limitations documents in the form of emails, strategy decks, playbooks, or any other form.

28. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss UP's plans or strategies for retaining or increasing the revenues obtained by UP from rail customers (whether by growing traffic, increasing prices, or otherwise).

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss NS's plans or strategies for retaining or increasing the revenues obtained by UP from rail customers (whether by growing traffic, increasing prices, or otherwise).

CANADIAN PACIFIC RAILWAY COMPANY
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Respectfully submitted,



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Attorneys for CPKC

Dated: December 18, 2025

CERTIFICATE OF SERVICE

I hereby certify that, on this 18th day of December, 2025, a true and correct copy of the foregoing CPKC's First Set of Discovery Requests to Applicants 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.



Nathan H. Golden

EXHIBIT M

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
–CONTROL–
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

CSX TRANSPORTATION, INC.'S FIRST SET OF DISCOVERY REQUESTS
TO UNION PACIFIC RAILROAD CORPORATION, UNION PACIFIC RAILROAD
COMPANY, NORFOLK SOUTHERN CORPORATION, AND NORFOLK SOUTHERN
RAILWAY COMPANY

Pursuant to 49 C.F.R. §§ 1114, CSX Transportation Inc. (“CSXT”) requests that Union Pacific (as defined below) and Norfolk Southern (as defined below) respond to the following discovery requests in accordance with the STB’s rules and the Definitions and Instructions set forth below.

Pursuant to 49 C.F.R. § 1114.26(a) and 1114.30, CSXT specifies that responses to the Requests for Production below should be served no later than January 22, 2026.

Except as otherwise specified, these requests are for materials:

- a) maintained as an original or copy in digital form;
- b) that were produced in, are regarding, or, in the case of internal, industry, or governmental rules, agreements, regulations, or laws, are applicable to the years 2020 to the present; and
- c) readily provided upon requests or accessible to senior management of any organizational subdivision of Union Pacific or Norfolk Southern.

I. CONSTRUCTION

1. “And” shall be construed to mean “or” and vice versa, as necessary to bring within the scope of the request all information that might otherwise be construed to be outside of its scope.
2. “Any” shall be construed as “all” and vice versa, as necessary to bring within the scope of the request all information that might otherwise be construed to be outside of its scope.
3. As necessary to bring within the scope of these requests any information and Documents which might otherwise be construed to be outside their scope, all words or phrases shall be construed as either singular, plural, masculine, feminine, or neuter; the singular form of a noun or pronoun shall Include within its meaning the plural form of the noun or pronoun and vice versa; and the use of any tense of any verb shall Include within its meaning all other tenses of the verb.
4. References to railroads, shippers, consultants, or companies Include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

II. DEFINITIONS

1. “Union Pacific” means Union Pacific Corporation and Union Pacific Railroad Company, individually and collectively, and their predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries (including both wholly owned and partially owned subsidiaries), affiliates, joint ventures, divisions, area offices, and regional offices of the foregoing companies; all persons or entities that have partial or total ownership or control of Union Pacific Corporation or Union Pacific

Railroad Company; and all persons acting or purporting to act on behalf of Union Pacific Corporation or Union Pacific Railroad Company.

2. “Norfolk Southern” means Norfolk Southern Corporation and Norfolk Southern Railway Company, individually and collectively, and their predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries (including both wholly owned and partially owned subsidiaries), affiliates, joint ventures, divisions, area offices, and regional offices of the foregoing companies; all persons or entities that have partial or total ownership or control of Norfolk Southern Corporation and Norfolk Southern Railway Company; and all persons acting or purporting to act on behalf of Norfolk Southern Corporation and Norfolk Southern Railway Company.
3. “Analysis” Includes any examination, study, investigation, breakdown, assessment, scrutinization, calculation, quantification, or comparison.
4. “Applicant(s)” means Union Pacific and/or Norfolk Southern, as defined herein.
5. “Application” means the Railroad Control Application submitted by Applicants on December 19, 2025 in the Proceedings, as corrected or amended, Including all Verified Statements, Exhibits, Appendices, Statements of Support, Work Papers, and other supporting materials.
6. “CSXT” means CSX Transportation, Inc., and its predecessors and successors in interest, as well as its subsidiaries, affiliates, joint ventures, divisions, area offices, and regional offices; and all persons acting or purporting to act on their behalf. Subsidiaries, affiliates, and joint ventures include any Person in which there is a partial (25% or more) total ownership or control through and between CSXT and any other Person.

7. "Data Set" means all or a subset of data held by, or accessible to, either Applicant in the normal course of business provided by either Applicant to respond to any request herein.
8. "Document" has the meaning used in Rule 34(a) of the Federal Rule of Civil Procedure, and Includes all originals, non-identical copies and drafts of any form of written, printed, typed, recorded, photocopied, photographed, graphically or electronically generated or stored matter, however produced or reproduced, of any kind or description, Including any book, pamphlet, periodical, correspondence, letter, official form, application, diary, written statement, minutes, memorandum, email, telephone call, invoice, bill, receipt, form, printout, financial statement, accounting record, telegram, cable report, record, contract, agreement, study, report, statistics, summary, handwritten note, tag, label, draft working paper, print, list, tape, photograph, microfilm, data sheet, data processing card, plan, specification list or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter and things similar to the foregoing, however denominated, and any and all attachments to any of the foregoing. Further, the term "Document" Includes
 - a. Both basic records and summaries of such records (Including computer runs);
 - b. Both original versions and copies that differ in any respect from original versions;
and
 - c. Both Documents in the possession, custody, or control of either Applicant and documents in the possession, custody or control of consultants or others who have assisted either Applicant or participated in the creation of those documents.
9. "Description" means a statement or account giving the characteristics of something.
10. "Geographic Competition" has the meaning used in 49 C.F.R. § 1180.7.
11. "Identify," unless otherwise specified, means:

- a. When used with reference to a Document, to: (i) provide a Description of such Document or thing sufficient to support a request for production, (ii) state its author(s), addressee(s), recipient(s), title, subject matter, date, present location and custodian, (iii) specify the place where the Document or thing may be inspected, and (iv) if the Document was produced in the Proceedings, specify the Document by Bates number(s) or identifying method used as an alternative to Bates numbering. If a Document once existed and has since been lost, destroyed, or is otherwise missing or unavailable, Identify the Document and state the details Relating to the unavailability of such Document;
 - b. When used with reference to an entity, to: state the entity's (i) full name, (ii) last known address(es), (iii) telephone number(s), and (iv) organizational form (e.g., corporation, sole proprietorship, partnership, joint venture, etc.);
 - c. When used with reference to an event, to: (i) provide the date and place of the event; (ii) Identify all persons involved in the event or who witnessed the event; and (iii) describe what took place during the event;
 - d. When used with reference to an individual person, to: state that person's: (i) full name; (ii) last known job title or position, business affiliation and employer; (iii) last known business address; and (iv) last known business telephone and cell number(s), fax number(s), and e-mail address(es); and
 - e. When referring to the Application or work papers, to specify the volume and page number in the Application and the file name and page in the work papers.
12. "Include," "Includes" or "Including" means including but not limited to. For avoidance of doubt, all matter specified by "Includes" or "Including" shall refer without limitation

by, and even if not otherwise encompassed by, the remainder of the request in which it is used.

13. “Intermodal Competition” has the meaning of “inter- ... modal competition” used in 49 C.F.R. § 1180.7, Including competition through and between and among providers of transportation by rail and by other modes of transportation.
14. “Intramodal Competition” has the meaning used in 49 C.F.R. § 1180.7.
15. “Management Level Documents” means Documents prepared by, prepared for, or received by the Applicants’: (1) Board of Directors; (2) officers; (3) management personnel in Operations, Finance, Marketing & Sales, or Strategic Planning areas at the level of Assistant Vice President and above; and (4) any predecessors or successors of the Persons who currently hold any of the positions listed.
16. “Minimum Viable Scale” means the smallest amount of production or service volume at which average costs equal the price currently charged for rail service. It should be noted that Minimum Viable Scale differs from the concept of minimum efficient scale, which is the smallest scale at which average costs are minimized.
17. “Person” Includes Union Pacific and Norfolk Southern and means any natural person, corporate entity, partnership, association, joint venture, government entity, or trust.
18. “Plans” means tentative and preliminary proposals, recommendations, or considerations, whether or not finalized or authorized, as well as those that have been adopted.
19. “Privilege Log” means the log produced according to Instruction No. 4, below.
20. “Proceedings” means those before the Surface Transportation Board (“Board”) concerning the application in STB Finance Docket No. 36873, and any related

proceedings before the Board, and any judicial review proceedings arising from STB Finance Docket No. 36873, or from any related proceedings before the Board.

21. “Product Competition” is used herein the same way the term is used in 49 C.F.R. § 1180.7.
22. “Proposed Transaction” means the proposed acquisition in the Application filed in STB Finance Docket No. 36873 for control by Union Pacific of Norfolk Southern contemplated by the Application and Proceedings, or any other proposed, contemplated, discussed, or related transaction through and between Union Pacific and Norfolk Southern.
23. “Public Interest Benefits” means effects from a transaction the STB relies on as evidence the transaction is consistent with the public interest within the meaning of 49 U.S.C. § 11324(c) and applicable STB regulations, Including enhanced competition, or effects on which the Applicants contend the STB should so rely.
24. “Rate” or “Rates” means all rates offered or charged by a railroad to a customer for rail service, including tariff rates, contract rates, and rates that are exempt from Surface Transportation Board regulation.
25. “Relating to” means directly or indirectly, expressly or impliedly, or in any other way, to bear upon, touch upon, incorporate, constitute, affect, Include, pertain to, support, negate, and/or otherwise have any connection with the subject matter about which the Request inquires.
26. “Sole-Served” refers to a single railroad serving an origin or destination station (*i.e.*, customer location) without access to another railroad through use of the trackage of the single railroad or otherwise.

27. “STB” means the Surface Transportation Board.
28. “Sunk Costs” means the acquisition costs of tangible and intangible assets necessary to produce and sell the Relevant Product that cannot be recovered through the redeployment of these assets for other uses.
29. “V.S.” means Verified Statement as used in the Application.
30. “You” or “Your” refers to the responding Applicant.
31. “1997 I-5 Proportional Rate Agreement” refers to the agreement that UP and BNSF Railway Company (“BNSF”) entered into in 1997 that allowed UP to participate in joint rates with BNSF for traffic moving to or from points in an area north of Portland, Oregon, and west of Billings and Havre, Montana, and points in an area extending from Oregon to West Texas.

III. INSTRUCTIONS

1. Your answers shall include all responsive information within Your possession, custody, or control.
2. Discovery responses shall be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.
3. To the extent materials called for herein Include or reflect Confidential Information or Designated Material within the meaning of the Protective Order entered in the Proceedings, CSXT will protect them from disclosure to third parties and in accordance with the Protective Order.
4. If any documents or parts of documents are withheld from production based on a claim of privilege, provide a statement of the claim of privilege and all facts relied upon in support thereof, in the form of a log (the “Privilege Log”) that includes, in separate fields, a

privilege identification number; beginning and ending document control numbers; parent document control numbers; attachments document control numbers; family range; number of pages; all authors; all addressees; all blind copy recipients; all other recipients; all custodians; date of the document; the title or subject line; an indication of whether it is redacted; the basis for the privilege claim (*e.g.*, attorney-client privilege), including the underlying privilege claim if subject to a joint-defense or common-interest agreement; and a description of the document's subject matter. Attachments to a document should be identified as such and entered separately on the log. For each author, addressee, and recipient, state the Person's full name, title, and employer or firm, and denote all attorneys with an asterisk. The description of the subject matter shall describe the nature of each document in a manner that, though not revealing information itself privileged, provides sufficiently detailed information to enable the requestor and a court to assess the applicability of the privilege claimed. For each document or part of a document withheld under a claim that it constitutes or contains attorney work product, also state whether the responding Applicant asserts that the document was prepared in anticipation of litigation or for trial and, if so, identify the anticipated litigation or trial upon which the assertion is based. Submit all non-privileged portions of any responsive document (including nonprivileged or redactable attachments) for which a claim of privilege is asserted (except where the only non-privileged information has already been produced in response to this instruction), noting where redactions in the document have been made. Documents authored by outside lawyers representing the responding Applicant that were not directly or indirectly furnished to any third party, such as internal law firm memoranda, may be omitted from the log. Provide the log in Microsoft Excel readable format.

5. Unless otherwise specific in the Request, the time period for the requested information shall be January 1, 2020 to the present.

IV. DOCUMENT REQUESTS

1. Produce all Documents and information Applicants have produced in response to discovery requests submitted by other participants in the Proceedings.
2. Produce all Documents and information submitted by Applicants to the STB, the United States Department of Justice, or any other federal government agency or official, including the President of the United States, state attorneys general, or any other state government agency or official relating to the Proposed Transaction.
3. Produce all Documents studying, analyzing, discussing or otherwise Relating to the impacts of the Proposed Transaction on rail service offered, or that may be offered, by any Person, Including:
 - a. Impacts of the Proposed Transaction on single-line rail service offered by any Person;
 - b. Impacts of the Proposed Transaction on traffic that is or may be interchanged through and between any Persons;
 - c. Impacts of the Proposed Transaction on market shares;
 - d. Impacts of the Proposed Transaction on interline connections;
 - e. Impacts of the Proposed Transaction on pricing and service;
 - f. Impacts of the Proposed Transaction on Intramodal Competition;
 - g. Impacts of the Proposed Transaction on Intermodal Competition;
 - h. Impacts of the Proposed Transaction on Product Competition; and
 - i. Impacts of the Proposed Transaction on Geographic Competition.

4. Produce documents sufficient to show the Applicants' Plans Relating to rail service through and between the following locations, Including investments in infrastructure and capacity, traffic forecasts, density charts, capacity studies or reports, changes expected to result from the Proposed Transaction that would impact any Person's costs to provide rail service through and between the locations, and all studies, analyses, and reports regarding expected or potential impacts of the Proposed Transaction on rates and service for traffic moving through and between the locations:
 - a. Meridian Speedway;
 - b. Dallas, Texas and the Meridian Speedway; and
 - c. Dallas, Texas and Shreveport, Louisiana.
5. Produce documents sufficient to show the Applicants' Plans Relating to their operations of or operations near interchange facilities or locations in or near to the following geographic areas, Including either Applicant's investments in infrastructure and capacity, traffic forecasts, density charts, capacity studies or reports, changes expected to result from the Proposed Transaction that would impact any Person's costs to provide rail service through interchange facilities or locations in the following geographic areas, and all studies, analyses, and reports regarding expected or potential impacts of the Proposed Transaction on rates and service for traffic moving through the interchange facilities or locations in the following geographic areas:
 - a. Chicago, Illinois;
 - b. Memphis, Tennessee;
 - c. St. Louis, Missouri;
 - d. New Orleans, Louisiana; and

- e. Kansas City, Missouri
6. Produce all studies, analyses, or presentations Relating to the impacts of the Proposed Transaction on the following entities and any future Plans Relating to the Applicants' ownership stake of, control of, or involvement or relationship with the following entities:
- a. Terminal Railroad Association of St. Louis;
 - b. TTX Company;
 - c. Ferrocarril Mexicano, S.A. de C.V. (a/ka "Ferromex");
 - d. Rail Pulse;
 - e. PTC-220, LLC; and
 - f. Meteorcomm, LLC
 - g. CSXT.
7. Produce all studies, analyses, or presentations from the past ten years created by the Applicants Relating to the 1997 I-5 Proportional Rate Agreement, including but not limited to any studies or analyses regarding competition in the geographic areas covered by the 1997 I-5 Proportional Rate Agreement after the agreement was entered into, any studies or analyses regarding Union Pacific's profits or losses on routes in the geographic areas covered by the 1997 I-5 Proportional Rate Agreement, and any studies or analyses regarding BNSF's compliance with the terms of the 1997 I-5 Proportional Rate Agreement.
8. Produce documents sufficient to show all rates for the past ten years Union Pacific received under the 1997 I-5 Proportional Rate Agreement.

9. Produce documents sufficient to show all rates for the past ten years Union Pacific was able to offer under the 1997 I-5 Proportional Rate Agreement, including rates that it was able to offer on behalf of BNSF or for traffic moving through BNSF interchange points.
10. Produce documents sufficient to show how all rates for the past ten years Union Pacific received under the 1997 I-5 Proportional Rate Agreement were developed, including supplements organized by commodity, customer, category, and year, and including all supplements not recorded to a specific customer.
11. Produce documents sufficient to show how all rates for the past ten years Union Pacific was able to offer under the 1997 I-5 Proportional Rate Agreement were developed, including rates that it was able to offer on behalf of BNSF or for traffic moving through BNSF interchange points, including supplements organized by commodity, customer, category, and year, and including all supplements not recorded to a specific customer.
12. Produce documents sufficient to show whether and how Union Pacific's experience with the 1997 I-5 Proportional Rate Agreement was used in developing the proposed Committed Gateway Pricing discussed in the Application, including documents sufficient to show why the terms of the proposed Committed Gateway Pricing differ from the terms of the 1997 I-5 Proportional Rate Agreement.
13. All documents relating to the creation or development of the "Committed Gateway Pricing" mechanism discussed in the Application.
14. All documents studying, analyzing, discussing, or otherwise Relating to the impacts of the Proposed Transaction on traffic that is currently, or may in the future be, interchanged through and between CSXT and the Applicants, including documents sufficient to show all current and future traffic that the Applicants have or may interchange with CSXT.

15. Produce documents sufficient to show any instance where either Applicant was accused of violating obligations imposed on them as a condition of prior mergers or acquisitions that the Applicants were involved in and resulted in litigation before the STB or before a state or federal court.
16. Produce documents sufficient to show any disputes through and between either of the Applicants and any other railroad Relating to the Applicant's operations of or operations at or in the ports of Virginia and near interchange facilities or locations that resulted in litigation before the STB or before a state or federal court.
17. Produce documents sufficient to show the Applicants' understanding of the term Enhanced Competition in the context of this proceeding and how that understanding impacts the Proposed Transaction.
18. Produce all documents You produce or have produced in the following proceedings, Including in any sub-dockets and related proceedings:
 - a. FD 36500 – CP/KCS
 - b. FD 36836 – Norfolk Southern's Norfolk & Portsmouth Belt Line Railroad Company ("NPBL") control application
 - c. FD 36522 – Norfolk Southern's NPBL declaratory order petition
 - d. FD 36223 – Norfolk Southern's NPBL trackage rights compensation petition
19. Produce all documents You produce or have produced in the lawsuit *CSX Transportation, Inc. v. Norfolk Southern Railway Company*, Case No. 2:18-cv-00530-MSD-RJK (E.D. Va.).

20. Produce, with respect to service and operations in and through Rockport, Indiana; Middletown, Ohio; Enon, Pennsylvania; Waynesburg, Pennsylvania; Brownsville, Pennsylvania; New Orleans, Louisiana; and Columbus, Ohio:
- a. all communications with shippers and other railroads regarding operations, dispatch, assignment of traffic to fulfill shipper requests, availability of equipment and crews, and potential infrastructure or other improvements or investments;
 - b. all documents reflecting or analyzing Norfolk Southern and CSXT movements of traffic or levels or service metrics thereof;
 - c. all documents reflecting or analyzing capacity, capacity utilization, effects of capacity and capacity utilization on Norfolk Southern and CSXT movements of traffic or competitiveness, and effects of potential capacity improvements on Norfolk Southern and CSXT movements of traffic or competitiveness;
 - d. documents sufficient to show the effect or value of Norfolk Southern dispatch or other operational control with respect to business and competitiveness.
21. Produce in machine-readable format information sufficient to show the following for all customer locations for Applicants from 2023 through 2024:
- a. Station SPLC code (that matches waybill);
 - b. Station name;
 - c. Customer Identification File (CIF) customer code;
 - d. Customer name (*i.e.* all consignee/receive and consignee/shipper);
 - e. Whether the Applicant directly connects to the customer at the given station/SPLC;

- f. Each station/customer where the Applicant is the only railroad that connects to the station/customer, if applicable;
 - g. Each station/customer where the Applicant connects to the customer where another Class I railroad connects, if applicable, including:
 - i. The name of the Class I railroad with whom the Applicant connects the customer;
 - ii. Whether the Applicant connects through a reciprocal switching arrangement, as well as:
 - 1. The switch cost and agreement and
 - 2. The terms and/or limitations of reciprocal switching arrangements, if applicable;
 - iii. The name of the Class I railroad(s) that connect through a reciprocal switching arrangement, as well as:
 - 1. The switch cost and agreement and
 - 2. The terms and/or limitations of reciprocal switching arrangements, if applicable;
 - h. Each station/customer where UP or NS connects to the customer only through a non-Class 1 railroad, as well as:
 - i. The non-Class I railroad name and
 - ii. Any other Class I railroads that connect to the non-class I railroad.
22. Produce in machine-readable format information sufficient to show any non-Class I railroad (*e.g.* short line or terminal railroad) or shipper-owned locomotive that has

interconnected with either Applicant and the following information about each such non-Class I railroad or shipper-owned locomotive:

- a. The name of the non-Class I railroad or shipper;
 - b. The alphabetical code of the non-Class I railroad;
 - c. The R260 junction, station name, and SPLC code for the connection between the non-Class I railroad or shipper and the Applicants;
 - d. All transportation, interchange, switching, other service agreements pricing tariff or other agreements, including but not limited to any rate and revenue division agreements; and
 - e. A table of miles reporting the miles for each movement between the non-Class I railroad's stations or shipper location and the Applicants' R260 junction.
23. Produce all Management Level Documents concerning strategy or Planning relating to fee discounts, refunds, incentives or other means of reducing a customer's total payments associated with bundling or otherwise providing service to multiple customer locations for all business line and commodity sectors.
24. Produce all rail transportation service agreements with each Applicant's fifty largest customers by revenue that were in effect from 2020 through the present, any Related drafts or prior proposals to those agreements, and any related Management Level Documents.
25. Produce documents sufficient to show any fee discounts, refunds, incentives or other means of reducing the customer total payments to each customer that is not incorporated in the net revenue or revenue field reported on the waybill, including information

sufficient to show the customer name and customer code for any such discount, refund, incentive, or other means of reducing the customer total payments.

26. Produce documents sufficient to show any fee discounts, refunds, incentives, or other means of reducing the customer total payments that accrued on the Applicants' financial reports, but was not disbursed to a customer.
27. Produce all Management Level Documents that show the Applicants' analyses of the competitiveness of single line movements vs. interline movements in all commodity sectors, including but not limited to cost-differences such as line haul, train blocking, storage, or other interchange-related costs, service quality differences, or any other differences between single line vs. interline movements.
28. Produce documents sufficient to show the Applicants' analyses of interchange alternatives in all commodity sectors, including but not limited to run through trains, steel wheel, only crew changes, trackage rights, haulage, including cost and operational impacts.
29. Produce all Management Level Documents discussing existing or potential alliances with other railroads for coordinating rail service of all commodities, including any analysis of costs or benefits from each alliance.

Respectfully submitted,

/s/ Eric P. Enson

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Attorneys for CSX Transportation, Inc.

Dated: January 7, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January, 2026, I have caused the foregoing CSX TRANSPORTATION, INC. FIRST SET OF DISCOVERY REQUESTS TO UNION PACIFIC RAILROAD CORPORATION, UNION PACIFIC RAILROAD COMPANY, NORFOLK SOUTHERN CORPORATION, AND NORFOLK SOUTHERN RAILWAY COMPANY to be served electronically or by first class mail on all parties of record in this proceeding.

/s/ Eric P. Enson

Eric P. Enson

Attorney for CSX Transportation, Inc.

EXHIBIT N

COVINGTON

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ENTERED
Office of Chief Counsel
July 10, 2026
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July 10, 2026

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

Dear Administrative Law Judge Soulikias and Counsel:

Pursuant to Decision No. 25, Applicants write to provide an update on their progress toward substantial completion of non-custodial document productions to all currently pending discovery requests.

As of the date of this letter, Applicants have received 353 discovery requests (including hundreds of subparts) from interested parties to this proceeding. The scope of documents, communications, information, and data sought by these discovery requests is unprecedented and far exceeds the needs of this proceeding. Nevertheless, Applicants have been working diligently to identify and produce materials responsive to these requests and to work collaboratively with the non-Applicant Class I railroads to resolve disputes over relevance, scope, and burden on a request-by-request basis.

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By end of day, Applicants will have produced more than 130,000 pages of documents and more than 1,600 GB of data in response to discovery requests. All of the materials in Applicants' productions to date have been identified through targeted collections, including from non-custodial locations. These rolling productions have been made on top of the detailed Amended Application and supporting workpapers filed on April 30, Applicants' first submission in response to Decision No. 21 filed on July 7, and various other data and documents submitted in response to the Board's requests, all of which the non-Applicant Class I railroads also received.

Union Pacific and Norfolk Southern provide the following updates on their respective efforts to produce non-custodial material in this proceeding.

Union Pacific's Update On Non-Custodial Productions

Union Pacific continues to search for, collect, and review documents stored in non-custodial locations that may be responsive to discovery requests in this proceeding, including requests filed by interested parties since the last discovery conference on June 26, 2026. Union Pacific's most recent production of non-custodial material (UP 010) will be served today. Union Pacific is on track to substantially complete production of documents stored in non-custodial locations in response to BNSF's second motion to compel by July 31, 2026.

The chart below summarizes the non-custodial material that Union Pacific has produced to date.

Production	Date	Description
UP 001	10/31/2025	• Merger Agreement Schedules • Reciprocal Switching Data (2019-2024) • Interchange and Haulage Data (2019-2024) • Interchange Commitment Agreements • Waivers of Interchange Commitments
UP 002	12/24/2025	• Car and Container Event Data (2019-2024) • Train Event Data (2019-2024) • Intermodal Train Schedules (2019-2024) • Employee Discipline Standards and Practices • Non-Merger Cooperative Program Materials
UP 003	12/24/2025	• Interchange Commitment Agreements • Waivers of Interchange Commitments • Trackage and Haulage Agreements
UP 004	1/9/2026	• Trackage and Haulage Agreements

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Production	Date	Description
UP 005	1/27/2026	• Merger Agreement Schedules
UP 006	1/29/2026	• Agreements Facilitating Service • Stakeholder Communication Materials • Non-Merger Cooperative Program Materials • Trackage and Haulage Agreements • Density Charts & Maps
UP 007	4/3/2026	• Agreements Facilitating Service • Stakeholder Communication Materials • Blocking Plan Compliance Materials • Train Schedules • Train Operations and Scheduling Adherence Materials • Interchange Performance Metrics • Trackage and Haulage Agreements
UP 008	5/15/2026	• Traffic Tapes (2025) • Reciprocal Switching Data (2025) • Interchange and Haulage Data (2025) • Organizational Charts • I-5 Rate Materials • Capacity Charts and Maps • Interchange Investment Materials • Interline Initiative Materials • Shipper Contracts w/ Volume Incentives Data • Train Performance Data (2023-2025) • Trip Plan Compliance Data (2023-2024) • Buffer Capacity Data (2019-2025) • Lease and Terminal Agreements • Labor Union Letters of Understanding

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Production	Date	Description
UP 009	6/8/2026	• Car and Container Event Data (2025) • Train Event Data (2025) • Organizational Charts • Labor Union Letter of Understanding • Board Materials • Pre-Merger Capital Improvement Project Materials • Materials regarding Growth, Revenue, and Pricing Strategies; Volume and Revenue Forecasts; and Customer Wins and Losses • Integration Materials • Government Agency Submission • SIT Location Information • Dispatch Control Agreements
UP 010	7/10/2026	• Due Diligence Materials • TRRA Materials • Synergies & Financial Model Materials • Proposed Transaction Materials • Interline Initiative Materials • Merger Analysis Materials • Integration Materials • I-5 Rate Materials • Materials regarding Growth, Revenue, and Pricing Strategies; Volume and Revenue Forecasts; and Customer Wins and Losses

Norfolk Southern's Update On Non-Custodial Productions

Norfolk Southern continues to search for, collect, and review non-custodial material that may be responsive to outstanding discovery requests in this proceeding, including requests filed by interested parties since the last discovery conference on June 26, 2026. Norfolk Southern's most recent production of non-custodial material (NS PRODO11) will be served today. Norfolk Southern continues to review non-custodial sources, and is on track to substantially complete non-custodial document productions in response to BNSF's second motion to compel by July 31, 2026.

The chart below summarizes the non-custodial material that Norfolk Southern has produced to date.

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Production	Date	Description
NS PROD001	10/24/2025	Agreements containing interchange commitments
NS PROD002	11/12/2025	Agreements containing interchange commitments
NS PROD003	11/17/2025	Reciprocal switching data (2019–2024); trackage and haulage rights agreements in certain states; employee discipline standards and policies; capital budgets and forecasts
NS PROD004	12/3/2025	Density files and maps (2019–2024); agreement containing interchange commitment
NS PROD005	12/19/2025	System-wide car, container, and movement data and system-wide train event data (2019–2024)
NS PROD005B	12/19/2025	Agreements facilitating service between the existing networks of UP and NS; agreements related to entities, facilities, or equipment pools for which UP and NS both have governance rights or equity interests
NS PROD006	3/13/2026	Board materials related to the proposed transaction; template support letters and website screenshots; intermodal train schedules (2001 to present)
NS PROD007	5/15/2026	Material related to potential joint alliances with other railroads; data on blocking plan adherence (2023–2024); system-wide train plans and train schedules (2023–2024); planned and actual train operations (2023–2025); interchange performance metrics (2023–2024); buffer capacity (2023–2024); approved materials for third party outreach regarding the proposed transaction; documents related to lane rationalization initiative; documents related to Louisville interline initiative; materials related to interchange modifications or improvements; materials related to STB-ordered deal conditions; 2025 traffic tapes and reciprocal switching data
NS PROD008	5/22/2026	Contracts containing volume commitment incentives; joint facility agreement
NS PROD009	6/11/2026	Car event data (2019–2025)
NS PROD009A	6/11/2026	Contracts containing volume commitment incentives; custodial org charts; materials related to

COVINGTON

July 10, 2026

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Production	Date	Description
		interchange modifications or improvements; material related to market share with other modes; material depicting business gained and lost (2019–2025); material depicting investments for customers to locate on the NS network (2019–2025); presentations related to strategies for growing rail traffic
NS PRODo10	6/25/2026	Material related to marketing Norfolk Intermodal Terminal and intermodal services; materials related to pre-merger projects referenced in amended application; documents related to Louisville interline initiative; materials for third party outreach regarding the proposed transaction; customer outreach trackers; contents of pre-merger due diligence site; materials related to growing intermodal traffic
NS PRODo10A	6/25/2026	Train event data (2025)
NS PRODo11	7/10/2026	Traffic forecasts (2019–2026); TRRA board materials; Actual transit time, original trip plan, and on-time performance metrics (2023–2024); blocking plan data (2023–2024); pre-merger due diligence trackers; BNSF agreements for traffic moving through Des Moines; density data (2025); data on T&E train starts (2023–2025); customer outreach tracker; custodial org charts; pricing and revenue presentations; GVP P&L reports

* * *

COVINGTON

July 10, 2026
Page 7

Respectfully submitted,

/s/ Matthew J. Warren
Matthew J. Warren

/s/ William J. Mullins
William J. Mullins

*Attorneys for Norfolk Southern
Corporation and Norfolk Southern
Railway Company*

/s/ Laura Flahive Wu
Laura Flahive Wu

*Attorney for Union Pacific Corporation
and Union Pacific Railroad Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 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

COVINGTON

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By E-Filing

July 16, 2026

Hon. Jenifer J. Soulikias
 Administrative Law Judge
 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 Judge Soulikias:

Applicants move to compel BNSF, CN, CPKC, and CSX (“Non-Applicant Railroads”) to produce car and train event, reciprocal switching, and interchange data¹—categories of data that Non-Applicant Railroads have already requested and received from Applicants in this proceeding. The reciprocal exchange of data is the norm in a range of STB proceedings, including prior merger proceedings, and reflects the STB’s express expectation that railroads who choose to request traffic data in merger proceedings may be required to produce their own similar data. *See* 49 C.F.R. § 1180.4(b)(4)(iii) (providing for reciprocal exchange of traffic tapes). The requested data is necessary for Applicants to assess any claims made by Non-Applicant Railroads about the impact of the Proposed Transaction on their service and operations or any conditions they may propose. Moreover, the requested data is maintained and used in the ordinary course of business, and production of the data is not unduly burdensome, particularly for sophisticated Class I railroads.

For these reasons, which are discussed further below, Applicants respectfully request that Your Honor order the Non-Applicant Railroads to produce any non-privileged data responsive to the requests.

I. BACKGROUND

In this proceeding, Non-Applicant Railroads have served hundreds of discovery requests, including requests for production of car and train event data,² reciprocal switching data,³ and

¹ *See* Exhibits A–D at Requests 18–21.

² *See* Exhibit E at Requests 9, 10.

³ *See* Exhibit E at Request 25; Exhibit F at Request 4.

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July 16, 2026

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interchange data.⁴ Each of the Non-Applicant Railroads have also served requests seeking copies of any materials produced in response to any other party's discovery requests.⁵ Applicants produced responsive data for 2019-2024 late last year, and supplemented their productions with data for 2025 earlier this year.⁶

On June 1, 2026, Applicants served requests on Non-Applicant Railroads seeking reciprocal production of the same data that Applicants had already produced. *See* Exhibit A at Requests 18, 19, 20, and 21. On June 16, 2026, Non-Applicant Railroads served their responses and objections, in which none of the Non-Applicant Railroads committed to producing the requested data. *See* Exhibits G–J. On July 6, 2026, Applicants wrote to Non-Applicant Railroads regarding deficiencies in their discovery responses, including their refusal to produce responsive documents and information. *See* Exhibit K. In the letter, Applicants noted their willingness to discuss a targeted collection of the requested traffic data, and requested a meet and confer. *Id.*

On July 8, 2026, counsel for Applicants and Non-Applicant Railroads met and conferred. During the meet and confer, Applicants identified Requests 18 through 21 as priority requests and explained that the requested data essentially mirrors that which Non-Applicant Railroads had requested and received from Applicants. On July 14, 2026, Applicants followed up in writing regarding the requests, confirming that none of the Non-Applicant Railroads were agreeing to produce the requested data, and asking for Non-Applicant Railroads to promptly inform Applicants if their positions had changed.

Each Non-Applicant Railroad has subsequently updated its position, agreeing to produce some, but not all, of the requested data.⁷ While Applicants will continue to confer with Non-Applicant Railroads in an effort to fully resolve this dispute, Applicants are proceeding with this motion to ensure discovery proceeds in an efficient and timely manner. It has been more than six weeks since Applicants issued these (and other discovery requests) and Non-Applicant Railroads have produced **zero** responsive documents to date. We will provide Your Honor with an update on Wednesday, July 22, 2026, that identifies the issues raised in this Motion that remain unresolved.

⁴ *See* Exhibit F at Request 5.

⁵ *See* Exhibit E at Request 1; Exhibit F at Request 1; Exhibit L at Request 1; Exhibit M at Request 1.

⁶ *See* Exhibit N at 2–6.

⁷ While each Non-Applicant Railroad has asserted certain conditions on production that are subject to further evaluation, Applicants understand the current positions of Non-Applicant Railroads to be as follows: BNSF refuses to produce data in response to Request 20; CN refuses to produce data in response to Requests 18 and 19; CPKC refuses to produce data in response to Requests 18, 19, 20, and 21; and CSX refuses to produce data in response to Requests 20 and 21.

II. ARGUMENT

It is well-established that STB regulations provide for broad discovery of any non-privileged matter that is relevant to the subject matter of this proceeding. *See* 49 C.F.R. § 1114.21(a)(1) (“Parties may obtain discovery . . . regarding any matter, not privileged, which is relevant to the subject matter involved in a proceeding other than an informal proceeding.”). Here, the relevance of the requested data is beyond question, as evidenced by the Non-Applicant Railroads’ own determination that equivalent data from Applicants was sufficiently relevant to warrant discovery requests. Indeed, interchange volumes, switching data, and system-wide movement patterns are directly pertinent to the Board’s assessments of network effects, competitive access, and service quality. Moreover, this data is critical for Applicants to respond to any criticisms or alternative analyses that Non-Applicant Railroads may present.

The STB’s regulations also establish a framework that favors reciprocal—rather than one-sided—data exchanges. *See, e.g.*, 49 C.F.R. § 1180.4(b)(4)(iii) (permitting applicants to condition production of their traffic tapes on a requesting railroad’s agreement to make its own traffic tapes available). The Non-Applicant Railroads’ failure to produce data that mirrors what they have already obtained from Applicants represents precisely the kind of one-sided discovery that the Board’s regulations are designed to prevent.

Parties to this proceeding have reciprocal obligations to engage in discovery, and Applicants’ requests seek only to place the parties on even footing. Without access to equivalent data from the Non-Applicant Railroads, Applicants cannot compare, contextualize, or benchmark the analyses that the Non-Applicant Railroads may present in any responsive filings. Moreover, a comprehensive corpus of data may become critical for the Board’s evaluation of any potential conditions or remedies that Non-Applicant Railroads may seek. Otherwise, the Board would be forced to evaluate claims and counterclaims without the full evidentiary picture that reciprocal discovery is intended to provide.

The burden of collecting and producing this data is likely minimal. The data sought through Requests 18–21 consists of operational and traffic data that Class I railroads maintain in the ordinary course of business. Moreover, unlike custodial discovery that requires extensive review for privilege and relevance, the production of traffic tapes, movement event data, and interchange volumes involves no privilege issues and likely requires minimal processing. Moreover, the Non-Applicant Railroads have already demonstrated the feasibility of such production by receiving equivalent data from Applicants. Having determined that such data is collectible, relevant, and useful for their own analyses, they cannot credibly contend that equivalent production would be unduly burdensome for them. To the extent that specific aspects of the Requests require clarification or reasonable accommodation, Applicants have expressed—and reaffirm here—their willingness to engage in good-faith discussions.

Nor can Non-Applicant Railroads evade their discovery obligations by invoking uncertainty regarding whether they will file responsive applications. Each party has suggested that it may raise concerns about service impacts, and allowing parties to withhold relevant data pending

a strategic decision about whether to formally oppose the transaction would undermine the orderly and expeditious resolution of this proceeding, in contravention of Your Honor's directive. *See* Decision No. 24. More fundamentally, the discovery rules do not condition a party's obligation to respond to discovery requests on a commitment to file opposition papers. Whether or not the Non-Applicant Railroads ultimately choose to file responsive applications, they have participated in this discovery process, have obtained substantial data from Applicants, and cannot now selectively comply with their reciprocal obligations. Permitting such asymmetry would undermine the orderly progress of this proceeding, reward gamesmanship, and deprive Applicants of the ability to prepare a meaningful rebuttal case based on complete information.

III. REQUEST FOR RELIEF

For the foregoing reasons, Applicants respectfully request that Your Honor enter an order compelling the Non-Applicant Railroads to produce the data requested in Applicants' Requests 18–21.

Respectfully submitted,

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cc: All Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of July, 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/ *Jamie Dominique U. Magcale*

Jamie Dominique U. Magcale

EXHIBIT A

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

**APPLICANTS' SECOND SET OF DISCOVERY REQUESTS
TO BNSF RAILWAY COMPANY**

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June 1, 2026

Pursuant to 49 C.F.R. §§ 1114.21-.31, Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company (collectively “Applicants”) request that BNSF Railway Company (“BNSF”) respond to and produce Documents responsive to the following discovery requests in accordance with the Surface Transportation Board’s rules and the definitions and instructions set forth below.

Responses should be served as soon as possible, and in no event later than June 16, 2026, unless otherwise agreed to by the parties. Please contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company.
2. “BNSF” means BNSF Railway Company.
3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.
4. “CSXT” or “CSX” means CSX Transportation Inc.

5. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.
6. “KCT” means Kansas City Terminal Railway.
7. “Norfolk Southern” or “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company.
8. “PPU” means Peoria and Pekin Union Railway Company.
9. “Produce” means to make legible, complete, and exact copies of responsive Documents and send them by expedited delivery to the undersigned counsel.
10. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.
11. “TRRA” means Terminal Railroad Association of St. Louis.
12. “TTX” means TTX Company.
13. “Union Pacific” or “UP” means Union Pacific Corporation and Union Pacific Railroad Company.
14. “You” and “Your” refer to BNSF and its predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.

INSTRUCTIONS

1. References to railroads, shippers, consultants, or companies (including Applicants) include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

2. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa.

3. If any information or Document is withheld on the ground that it is privileged or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable.

4. To the extent materials called for herein are confidential, Applicants will treat them in accordance with the Protective Order entered in this proceeding in the Decision served August 5, 2025.

5. Unless otherwise specified, these requests cover the period January 1, 2019 and to the present.

6. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

REQUESTS¹

5. Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

6. Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

7. Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the

¹ The numbering of Applicants' discovery requests is continuous across sets of discovery requests served on the same party.

Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

8. Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

9. Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

10. Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

11. Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP’s or NS’s position in the railroad industry, Your growth or strategies for growth, and UP’s or NS’s growth or strategies for growth.

12. Produce all Documents and Communications relating to the Proposed Transaction’s potential impacts on Your, the Applicants’, or any other rail carrier’s

rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

13. Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

14. Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

15. Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

16. Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

17. Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or

joint line rates, services, or routes; interline or joint line routing options;, or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

18. Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

19. Produce system-wide train event data for all Your trains.

20. Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

21. Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

22. Produce all studies, analyses, or presentations from the past ten years created by You relating to the 1997 I-5 Proportional Rate Agreement, including but not limited to any studies or analyses relating to competition in the geographic areas covered by the 1997 I-5 Proportional Rate Agreement after the agreement was entered into, any studies or analyses relating to your profits or losses on routes in the geographic areas covered by the 1997 I-5 Proportional Rate Agreement, and any studies or analyses relating to Your compliance with the terms of the 1997 I-5 Proportional Rate Agreement.

23. Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

24. Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

25. Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

26. Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

27. Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

28. Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

30. Produce all Documents and Communications that concern, discuss, or support any aspect of Your claims in the following publications:

- a. “The UP-NS Merger: Still a Monopoly in the Making,” available at <https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition/bnsf-flyer-the-up-ns-merger-a-monopoly-in-the-making.pdf>;

- b. “The Case Against the UP-NS Merger: Preserve Competition,” available at <https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition/index.html#preserve-competition>;
- c. “The Case Against the UP-NS Merger: Protect the Supply Chain,” available at <https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition/index.html#protect-supply-chain>;
- d. “Opposing the UP-NS Merger How to Make Your Voice Heard,” available at <https://www.bnsf.com/ship-with-bnsf/preserve-rail-competition/page2.html>, including the section regarding “What to Include in Your Letter”; and
- e. “Costly, Unnecessary, Anti-Competitive and Bad for the U.S. Economy,” available at <https://www.bnsf.com/bnsf-resources/news-media/customer-notifications/pdf/2025-09-29%20BNSF%20Merger%20Position.pdf>.

Respectfully submitted,

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June 1, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 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/ Molly Brown

EXHIBIT B

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

**APPLICANTS' SECOND SET OF DISCOVERY REQUESTS
TO GRAND TRUNK CORPORATION**

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June 1, 2026

Pursuant to 49 C.F.R. §§ 1114.21-.31, Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company (collectively “Applicants”) request that Grand Trunk Corporation and its U.S. rail operating subsidiaries¹ (collectively, “CN”) respond to and produce Documents responsive to the following discovery requests in accordance with the Surface Transportation Board’s rules and the definitions and instructions set forth below.

Responses should be served as soon as possible, and in no event later than June 16, 2026, unless otherwise agreed to by the parties. Please contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company.
2. “BNSF” means BNSF Railway Company.
3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not

¹ Bessemer and Lake Erie Railroad Company, Cedar River Railroad Company, Chicago, Central & Pacific Railroad Company, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Iowa Northern Railway Company, The Pittsburgh & Conneaut Dock Company, and Wisconsin Central Ltd.

limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.

4. “CSXT” or “CSX” means CSX Transportation Inc.

5. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.

6. “KCT” means Kansas City Terminal Railway.

7. “Norfolk Southern” or “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company.

8. “PPU” means Peoria and Pekin Union Railway Company.

9. “Produce” means to make legible, complete, and exact copies of responsive Documents and send them by expedited delivery to the undersigned counsel.

10. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.

11. “TRRA” means Terminal Railroad Association of St. Louis.

12. “TTX” means TTX Company.

13. “Union Pacific” or “UP” means Union Pacific Corporation and Union Pacific Railroad Company.

14. “You” and “Your” refer to CN and its predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.

INSTRUCTIONS

1. References to railroads, shippers, consultants, or companies (including Applicants) include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

2. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa.

3. If any information or Document is withheld on the ground that it is privileged or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable.

4. To the extent materials called for herein are confidential, Applicants will treat them in accordance with the Protective Order entered in this proceeding in the Decision served August 5, 2025.

5. Unless otherwise specified, these requests cover the period January 1, 2019 and to the present.

6. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

REQUESTS²

5. Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

6. Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

7. Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail

² The numbering of Applicants' discovery requests is continuous across sets of discovery requests served on the same party.

industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

8. Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

9. Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

10. Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

11. Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP’s or NS’s position in the railroad industry, Your growth or strategies for growth, and UP’s or NS’s growth or strategies for growth.

12. Produce all Documents and Communications relating to the Proposed Transaction's potential impacts on Your, the Applicants', or any other rail carrier's rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

13. Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

14. Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

15. Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

16. Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

17. Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or joint line rates, services, or routes; interline or joint line routing options; or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

18. Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

19. Produce system-wide train event data for all Your trains.

20. Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station

name, and state/province); (4) payment information for that switch; and (5) date of operation.

21. Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

22. Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

23. Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

24. Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

25. Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

26. Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

27. Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

28. Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 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/ Molly Brown

EXHIBIT C

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

**APPLICANTS' SECOND SET OF DISCOVERY REQUESTS
TO CANADIAN PACIFIC KANSAS CITY**

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June 1, 2026

Pursuant to 49 C.F.R. §§ 1114.21-.31, Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company (collectively “Applicants”) request that Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City (“CPKC”) respond to and produce Documents responsive to the following discovery requests in accordance with the Surface Transportation Board’s rules and the definitions and instructions set forth below.

Responses should be served as soon as possible, and in no event later than June 16, 2026, unless otherwise agreed to by the parties. Please contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company.
2. “BNSF” means BNSF Railway Company.
3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.

4. “CSXT” or “CSX” means CSX Transportation Inc.
5. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.
6. “KCT” means Kansas City Terminal Railway.
7. “Norfolk Southern” or “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company.
8. “PPU” means Peoria and Pekin Union Railway Company.
9. “Produce” means to make legible, complete, and exact copies of responsive Documents and send them by expedited delivery to the undersigned counsel.
10. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.
11. “TRRA” means Terminal Railroad Association of St. Louis.
12. “TTX” means TTX Company.
13. “Union Pacific” or “UP” means Union Pacific Corporation and Union Pacific Railroad Company.
14. “You” and “Your” refer to CPKC and its predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates,

divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.

INSTRUCTIONS

1. References to railroads, shippers, consultants, or companies (including Applicants) include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

2. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa.

3. If any information or Document is withheld on the ground that it is privileged or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable.

4. To the extent materials called for herein are confidential, Applicants will treat them in accordance with the Protective Order entered in this proceeding in the Decision served August 5, 2025.

5. Unless otherwise specified, these requests cover the period January 1, 2019 and to the present.

6. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

REQUESTS¹

5. Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

6. Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

7. Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the

¹ The numbering of Applicants' discovery requests is continuous across sets of discovery requests served on the same party.

Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

8. Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

9. Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

10. Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

11. Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP’s or NS’s position in the railroad industry, Your growth or strategies for growth, and UP’s or NS’s growth or strategies for growth.

12. Produce all Documents and Communications relating to the Proposed Transaction’s potential impacts on Your, the Applicants’, or any other rail carrier’s

rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

13. Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

14. Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

15. Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

16. Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

17. Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or

joint line rates, services, or routes; interline or joint line routing options;, or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

18. Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

19. Produce system-wide train event data for all Your trains.

20. Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

21. Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

22. Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

23. Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

24. Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

25. Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

26. Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or

linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

27. Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

28. Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

Respectfully submitted,

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June 1, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 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/ Molly Brown

EXHIBIT D

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD
COMPANY
—CONTROL—
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

**APPLICANTS' SECOND SET OF DISCOVERY REQUESTS
TO CSX TRANSPORTATION, INC.**

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June 1, 2026

Pursuant to 49 C.F.R. §§ 1114.21-.31, Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company (collectively “Applicants”) request that CSX Transportation, Inc. (“CSXT” or “CSX”) respond to and produce Documents responsive to the following discovery requests in accordance with the Surface Transportation Board’s rules and the definitions and instructions set forth below.

Responses should be served as soon as possible, and in no event later than June 16, 2026, unless otherwise agreed to by the parties. Please contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation, and Norfolk Southern Railway Company.
2. “BNSF” means BNSF Railway Company.
3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.
4. “CSXT” or “CSX” means CSX Transportation Inc.

5. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.

6. “KCT” means Kansas City Terminal Railway.

7. “Norfolk Southern” or “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company.

8. “PPU” means Peoria and Pekin Union Railway Company.

9. “Produce” means to make legible, complete, and exact copies of responsive Documents and send them by expedited delivery to the undersigned counsel.

10. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.

11. “TRRA” means Terminal Railroad Association of St. Louis.

12. “TTX” means TTX Company.

13. “Union Pacific” or “UP” means Union Pacific Corporation and Union Pacific Railroad Company.

14. “You” and “Your” refer to CSXT and its predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.

INSTRUCTIONS

1. References to railroads, shippers, consultants, or companies (including Applicants) include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

2. All uses of the conjunctive include the disjunctive and vice versa. Words in the singular include the plural and vice versa.

3. If any information or Document is withheld on the ground that it is privileged or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable.

4. To the extent materials called for herein are confidential, Applicants will treat them in accordance with the Protective Order entered in this proceeding in the Decision served August 5, 2025.

5. Unless otherwise specified, these requests cover the period January 1, 2019 and to the present.

6. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

REQUESTS¹

5. Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

6. Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

7. Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the

¹ The numbering of Applicants' discovery requests is continuous across sets of discovery requests served on the same party.

Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

8. Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

9. Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

10. Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

11. Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP’s or NS’s position in the railroad industry, Your growth or strategies for growth, and UP’s or NS’s growth or strategies for growth.

12. Produce all Documents and Communications relating to the Proposed Transaction’s potential impacts on Your, the Applicants’, or any other rail carrier’s

rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

13. Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

14. Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

15. Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

16. Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

17. Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or

joint line rates, services, or routes; interline or joint line routing options;, or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

18. Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

19. Produce system-wide train event data for all Your trains.

20. Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

21. Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

22. Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

23. Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

24. Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

25. Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

26. Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or

linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

27. Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

28. Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 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/ Molly Brown

EXHIBIT E

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

UNION PACIFIC CORPORATION, ET AL.
—CONTROL—
NORFOLK SOUTHERN CORPORATION, ET AL.

**BNSF RAILWAY COMPANY'S
FIRST SET OF DISCOVERY REQUESTS TO
UNION PACIFIC AND NORFOLK SOUTHERN**

Pursuant to 49 C.F.R. §§ 1114.26 and 1114.30, BNSF Railway Company (“BNSF”) hereby requests that UP and NS (as defined below, and together, the “Applicants”) respond to and produce documents responsive to the following discovery requests to Steptoe LLP, 1330 Connecticut Avenue NW, Washington, DC 20036, no later than October 16, 2025.

DEFINITIONS

1. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, other computer linkups, written memoranda, and in-person conversations.

2. “Concerning” means relating to, referring to, describing, reflecting, evidencing, constituting, or comprising.

3. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any writing, drawing, graph, chart, photograph, sound

recording, image, and other data or data compilation stored in any medium from which information can be obtained.

4. The term “Identify”:

- a. When used in reference to an individual, shall require a statement of the individual’s full name; present and/or last known position, employment, job title and/or business affiliation; and present and/or last known business address and telephone number.
- b. When used in reference to businesses or corporations, shall mean to state the business or corporation’s legal name, the names under which it does business, its form (proprietorship, corporation, partnership, association or business trust, etc.), its present and/or last known address, and its relationship, if any, to each of NS and UP.
- c. When used in reference to Documents, shall require a statement of the date thereof, the type of Document, the author or speaker (and if different, the signer or signers, and the addressee), the substance thereof, its present or last known location or custodian, and all other means of identifying it.
- d. When used in reference to any Communication, meeting, act, occurrence, statement, or conduct (hereinafter collectively “act”) requires you to:

- i. Describe the substance of the event or events constituting such an act;
- ii. Identify each and every person participating in such act;
- iii. Identify all other persons present when such act occurred;
- iv. State whether any minutes, notes, memoranda, accounts, statement, agreements, Documents, or any other record relating to the act was made;
- v. State whether such record now exists; and
- vi. Identify the person presently having possession, custody, or control of such record.

5. “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company and their predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on their behalf.

6. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.

7. “STB” or “Board” means the Surface Transportation Board.

8. “UP” means Union Pacific Corporation and Union Pacific Railroad Company and their predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on their behalf.

INSTRUCTIONS

1. Responsive Documents to all requests should be produced to the undersigned counsel, not later than fifteen days after the date of service of these Requests. Production of Documents may be accomplished through electronic means such as a data room or file transfer if NS and/or UP prefer.

2. If NS and/or UP objects to any portion of any Discovery Request, they should identify the portion to which they object, state the basis for the objection, and respond to the remainder. If NS and/or UP has objections, NS and/or UP’s counsel are requested to promptly confer with undersigned counsel for BNSF so that NS and/or UP’s objections can be promptly addressed and resolved.

3. If NS and/or UP asserts a claim of privilege as to Documents sought in these Requests, NS and/or UP should list, for each such Document, the Document’s date, signatory or signatories, author(s), addressee(s), each other person who received a copy, the subject matter of the Document, its location and custodian, and the basis for the claim of privilege. Such information should be supplied in sufficient detail to permit BNSF to assess the applicability of the privilege claimed.

4. If any of the requested Documents was but is no longer in NS and/or UP's possession or subject to their control, state what disposition was made of it and when, and explain the reasons for such disposition.

5. If a Document is provided in response to a Request, identify which Document(s) is (are) being provided to answer that Request, including any Bates numbers; if NS and/or UP is asked to identify Documents, provide a brief description of the Documents, including any Bates numbers. If NS and/or UP refers BNSF to workpapers to respond to a Request, please identify the Bates number(s) of the workpapers(s) responsive to the Request.

6. Each Discovery Request should be responded to upon NS and/or UP's entire knowledge from all sources and all information and Documents in NS and/or UP's possession or otherwise available to NS and/or UP, including information from agents, representatives, consultants, or attorneys, and information that is known to each of them.

7. Where a Discovery Request calls for information with respect to "each" one of a particular type of matter, event, Person, or entity, of which there is more than one, separately list, set forth or identify for each thereof all of the information called for in the Request.

8. These Requests are deemed continuing, and it is requested that supplemental responses and production be provided as additional information or Documents become available.

9. Unless otherwise provided, there is no time period limitation on these Discovery Requests.

FIRST SET OF DISCOVERY REQUESTS

1. Produce copies of all Documents or Communications that NS and/or UP produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

2. Produce copies of all Documents or Communications that NS and/or UP produce or have previously produced to the Surface Transportation Board, the United States Department of Justice, or any other federal government agency, state attorneys general, or any other state government agency relating to the Proposed Transaction.

3. Produce Documents sufficient to show the conditions to STB approval to which NS and/or UP have agreed to accept, propose, or agree to if needed to secure regulatory approval for the Proposed Transaction.

4. Produce Documents sufficient to show all agreements between UP or NS and a counter-party that is designed to facilitate service between the existing UP or NS networks.

5. Identify all individuals and/or entities (customers, labor organizations, labor officials, government agencies or officials, other stakeholders, etc.) from whom either UP or NS has sought, solicited, or discussed a potential letter or statement of support relating to the Proposed Transaction. This request seeks the identity of responsive individuals and entities in the United States, Canada, and Mexico.

6. Identify all individuals and/or entities (customers, labor organizations, labor officials, government agencies or officials, other stakeholders, etc.) that have expressed or communicated concern about the

Proposed Transaction. This request seeks the identity of responsive individuals and entities in the United States, Canada, and Mexico.

7. Produce all Documents and Communications with the individuals and/or entities identified in response to Request Nos. 5 and 6 and that concern or relate to the Proposed Transaction.

8. Produce Documents sufficient to show any discounts, contract extensions, or any other economic value or concession offered in connection with or related to any discussion with a customer or stakeholder related to its support or non-opposition the Proposed Transaction.

9. Produce system-wide car and, where applicable, container, movement event data for all NS and UP traffic for each year or partial year from 2019 to the present. Car event data should be sufficient to identify the sequence of cars within a train for each applicable event, and container event data should be sufficient to identify the car conveying the container for each applicable event.

10. Produce system-wide train event data for all NS and UP trains for each year or partial year from 2019 to the present.

11. Produce UP and NS intermodal train schedules from 1995 to present.

12. Produce Documents sufficient to show the density information described below for the entire NS and UP systems for each year or partial year from 2019 to the present in a computer readable database or electronic spreadsheet, including all record layouts, all field descriptions, data definitions, and data dictionaries/decoders required to

utilize the data. The density database should include, at a minimum, the following data:

- a. Identification of the unique railroad divisions, subdivisions, and individual line segments for each unique density segment;
- b. Station name and SPLC at the beginning of a unique density segment and at the end of a unique density segment;
- c. Beginning and ending milepost for each unique density segment;
- d. Rail and track mileage for each unique density segment;
- e. (i) Total density (both directions including empty and loaded trains) by segment and by direction expressed in net ton-miles, or in the alternative, (ii) total density (both directions including empty and loaded trains) by segment and by direction expressed in gross ton-miles, including tare weight, locomotive weight, and non-revenue trains, plus appropriate factors that can be used to convert gross ton-miles to net ton-miles on each unique density segment; and
- f. Density information (i) for segments that NS or UP utilize via trackage rights (or other joint facility or joint use agreements) on another railroad, (ii) for segments where another railroad(s) operates by trackage rights (or other joint facility or joint use agreements) over NS or UP

segments, and (iii) an identification of such densities in (i) and (ii) that are included in the total densities provided in response to subpart e. above.

13. Produce Documents sufficient to show what constitutes a Materially Burdensome Regulatory Condition (as defined in the Merger Agreement). To the extent each Materially Burdensome Regulatory Condition is not memorialized in a Document, describe in detail what constitutes or could constitute a Materially Burdensome Regulatory Condition.

14. Produce Documents relating to any current or anticipated abandonments, leases, grants of trackage rights, or other transactions in which any current line segment of UP or NS would henceforth be operated by another railroad or non-carrier.

15. Produce all Communications between UP and NS since the merger announcement regarding (a) the quoting of interline UP-NS rates, (b) operational integration, and (c) the operation of jointly-owned companies.

16. Produce all Documents regarding changes in employee discipline standards or practices from January 1, 2024 to present.

17. Produce all Documents and Communications relating to potential joint ventures, marketing alliances, or other forms of cooperative agreements between UP and NS other than a merger, whether or not such agreements were implemented. The time period for this request is January 1, 2015 to present.

18. Describe in detail how Applicants would cooperate with other carriers in addressing or resolving service disruptions on their lines during the transitional period and afterwards.

19. Describe in detail any conditions or provisions that Applicants are proposing to enhance competition in connection with the Proposed Transaction.

20. Produce all studies and analyses of the impact of the Proposed Transaction on potential future mergers involving any Class I carrier (including Applicants).

21. Produce all Documents in Applicants' possession, custody, or control (including any strategy plans or competitive assessments) that show or concern the impact of the Proposed Transaction on:

- a. Applicants' current and future debt and debt service obligations.
- b. Applicants' financial metrics including revenue, earnings, EBITDA, leverage, and operating ratio;
- c. Applicants' costs and potential opportunities to reduce costs (synergies);
- d. Railroad intramodal, intermodal, product, and geographic competition;
- e. Potential traffic diversions from truck transportation to rail transportation;
- f. Rail service, including rail service provided by other rail carriers;

- g. Rail safety, including the safety of rail service provided by other rail carriers;
- h. Rail labor and employment, including labor forces at railroads other than Applicants;
- i. Passenger or commuter service;
- j. Rates for rail transportation;
- k. Competition, including corridor competition, source competition, and intermodal competition; and
- l. Applicants' proposed gateway commitment on Applicants' existing traffic and the revenues and profitability of that traffic.

22. Produce all studies, analyses, and reports that UP relied upon in making a merger proposal to NS and in assessing whether to execute the Merger Agreement.

23. Produce all studies, analyses, and reports that NS relied upon in evaluating UP's merger proposal and in assessing whether to execute the Merger Agreement.

24. Produce all Documents that Applicants have provided to third parties, including but not limited to shippers, smaller railroads, public officials, ports, and rail industry suppliers, regarding the Proposed Transaction.

25. Produce data from 2019 through present for all reciprocal switches performed by or for UP or NS sufficient to identify:

- a. The date the reciprocal switch was requested;
- b. The date the reciprocal switch was completed;
- c. The switching and receiving carriers involved in the reciprocal switch;
- d. The price authority governing the reciprocal switch;
- e. Revenues paid for the reciprocal switch;
- f. The customer name and SPLC station location where switch was originated or terminated;
- g. The location, including latitude and longitude, where the shipment was physically transferred between switching and receiving carrier; and
- h. The car initial and car number of each rail car involved in the reciprocal switch.

26. Produce all Documents related to UP and NS's planned capital budgets and forecasts for the next five years (as prepared in the 2024 and 2025 period prior to the announcement of the Proposed Transaction).

27. Produce Documents sufficient to identify all issues or problems that UP and NS have had using rights or accessing services required by STB-ordered deal conditions.

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Respectfully submitted,

/s/ Peter W. Denton

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Counsel for BNSF Railway Company

Dated: October 1, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October, 2025, I have caused the foregoing *BNSF Railway Company's First Set of Discovery Requests to Union Pacific and Norfolk Southern* to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Onika K. Williams

Onika K. Williams

Attorney for *BNSF Railway Company*

EXHIBIT F

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 36873

**UNION PACIFIC CORPORATION, ET AL. – CONTROL –
NORFOLK SOUTHERN CORPORATION, ET AL.**

**GRAND TRUNK CORPORATION’S FIRST SET OF
DISCOVERY REQUESTS TO APPLICANTS**

Pursuant to 49 C.F.R. Part 1114, Grand Trunk Corporation, on behalf of itself and its U.S. rail operating subsidiaries¹ (collectively “CN” as defined below) requests that NS (as defined below) and UP (as defined below) respond to the following discovery requests in accordance with the Surface Transportation Board’s rules, and the Definitions and Instructions set forth below.

Responses from NS and UP should be served as soon as possible, and in no event later than fifteen days from the date of service hereof. NS and UP are requested to contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

¹ Bessemer and Lake Erie Railroad Company, Cedar River Railroad Company, Chicago, Central & Pacific Railroad Company, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Iowa Northern Railway Company, The Pittsburgh & Conneaut Dock Company and Wisconsin Central Ltd.

DEFINITIONS

1. “CN” means Grand Trunk Corporation; its parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.
2. “Communication” or “Communications” shall mean any oral or written representation, promise, conversation, statement, message, or transmission of information, electronic or otherwise, and should be construed in the broadest sense possible. Requests to produce or identify Communications include, but are not limited to, text messages, emails, instant or direct messages on any platform, voicemails, electronic communications, agendas, notes, talking points, agreements, inquiries, memoranda, reports, face-to-face conversations and meetings, telephone conversations or conference calls, negotiations, and presentation slides, and include information that was displayed or shown to another party without being transmitted in writing to that party.
3. “Concerning” means relating to, referring to, describing, evidencing, constituting, or in any way pertaining to, in whole or in part, the subject matter or the Request.
4. “Document” or “Documents” is used in the broadest possible sense permissible and includes, without limitation, all originals, copies (if the originals are not available), nonidentical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise) and drafts, whether printed or recorded (through a sound, video, or other electronic, magnetic, or digital recording system) or reproduced by hand, including, without limitation: letters, correspondence, telegrams, telexes, memoranda, records, text messages, communications via Internet-connected applications, Communications, summaries of personal conversations or interviews, minutes or records or notes of meetings or conferences, note pads, notebooks, postcards, “Post-It” or similar notes, stenographic notes, notes, opinions or reports of financial advisors or consultants, opinions or reports of experts, projections, financial or statistical statements or compilations, contracts, agreements, appraisals, analyses, purchase orders, confirmations, publications, articles, books, pamphlets, circulars, microfilm, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, photostats, speeches, data sheets, pictures, photographs, illustrations, blueprints, films, drawings, plans, tape recordings, videotapes, disks, diskettes, data tapes or readable computer-produced interpretations or transcriptions thereof, electronic messages, voice mail messages, interoffice communications, advertising, packaging and promotional materials, material of any sort and in any format maintained or available at any time on the World Wide Web

(whether formerly, currently, or both), and any other writings, papers and tangible things of whatever description whatsoever, including but not limited to any information contained in any computer, even if not yet printed out.

5. “Identify,”
 - a. when used in relation to an individual, means to state the name, address, and business telephone number of the individual, the job title or position and the employer of the individual at the time of the activity inquired of, and the last- known position and employer of the individual;
 - b. when used in relation to a corporation, partnership, or other entity, means to state the name of the entity and the address and telephone number of its principal place of business;
 - c. when referring to a Document, means to give, to the extent known, the (i) type of document (e.g., letter, e-mail, memorandum, report, chart); (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) or recipient(s). Documents may be produced in lieu of being Identified;
 - d. when referring to information, means to list or produce documents containing the specified information;
 - e. when used in relation to an oral Communication or statement means to: identify the person making the Communication or statement and the person, persons, or entity to whom the Communication or statement was made; state the date and place of the Communication or statement; describe in detail the contents of the Communication or statement; and identify all Documents that refer to, relate to or evidence the Communication or statement.
6. “Including” means “including, but not limited to.”
7. “Merger Agreement” means that certain Agreement and Plan of Merger, dated as of July 28, 2025, by and among Union Pacific, Ruby Merger Sub 1 Corporation, Ruby Merger Sub 2 LLC, and Norfolk Southern, and any amendments or supplements thereto.
8. “NS” means Norfolk Southern Corporation and Norfolk Southern Railway Company; their parent companies; subsidiaries; controlled, affiliated, and predecessor firms; departments; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

9. “Proposed Transaction” means the proposed combination of NS and UP for which NS and UP are seeking STB approval in Finance Docket No. 36873.
10. “UP” means Union Pacific Corporation and Union Pacific Railroad Company; their parent companies; subsidiaries; controlled, affiliated, and predecessor firms; departments; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.
11. “You” and “Your” mean UP and/or NS, whichever is broader in the context in which it is used.
12. “RIA” or “Railroad Industry Agreement” means the Railroad Industry Agreement entered into by the American Short Line and Regional Railroad Association, on behalf Class II and III railroads, and the Association of American Railroads, on behalf of Class I railroads, on September 10, 1998, as amended on October 7, 2004.

INSTRUCTIONS

1. Responsive Documents to all requests should be produced to the undersigned counsel, not later than fifteen days after the date of service of these Requests. Production of Documents may be accomplished through electronic means such as a data room or file transfer if You prefer. Rolling production of relevant Documents during that fifteen-day period is requested.
2. These requests extend to any Documents or Communications in the possession, custody, or control of UP, its present and former directors, officers, employees, attorneys, and any other agents or representatives, or NS, its present and former directors, officers, employees, attorneys, and any other agents or representatives.
3. Unless a different time period is specified, these requests cover the period from January 1, 2019 to the present.
4. If NS and/or UP withhold Documents or Communications on the basis of a claimed privilege or attorney work product, then for each such document, NS and/or UP should Identify the Document or Communication and state the basis for the claim that it is privileged or otherwise not discoverable.
5. NS and/or UP should immediately contact Lindsey Bohl at (202) 636-5908 to discuss any objections or questions with a view to resolving any dispute or issues of interpretation informally and expeditiously.
6. Following prior discovery practice in merger proceedings, these requests are presented in a single list of requests. Requests that ask NS and/or UP to produce documents shall be responded to in accordance with 49 C.F.R. §

1114.30. Requests that ask NS and/or UP to Identify or describe information or that otherwise pose questions shall be responded to in accordance with 49 C.F.R. § 1114.26.

7. If NS and/or UP believe that information responsive to a particular discovery request has been already presented in their workpapers, Identify the specific workpaper or workpapers that they believe provides the requested information, including the specific sheets and cells where applicable.
8. Pursuant to 49 CFR § 1114.29, NS and UP are under a duty to supplement their responses with respect to any Request.

DOCUMENT REQUESTS

1. Produce complete disclosure schedules, exhibits, and appendices to the Merger Agreement.
2. Produce copies of all Documents or Communications that NS and/or UP produce or have previously produced to the Surface Transportation Board, the United States Department of Justice, or any other federal government agency, state attorneys general, or any other state government agency relating to the Proposed Transaction.
3. Produce copies of all Documents or Communications that NS and/or UP produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.
4. Produce data and Documents concerning reciprocal switching for the period from January 1, 2019 through December 31, 2024, including but not limited to car-level movement records, switch lists, interchange logs, line-segment-level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.
5. Produce Documents sufficient to show all interchange volumes with other carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts),

for the period from January 1, 2019 through December 31, 2024, provided at the most disaggregated level maintained in the ordinary course of business.

6. Produce all rail line sale, lease, or interchange agreements to which You are a party that contain an interchange commitment, as defined in the Surface Transportation Board's August 28, 2025 order.
7. For each interchange commitment identified in Request 6, produce Documents concerning all instances in which You have granted a waiver, exception, or other form of consent permitting the tenant or purchasing railroad to interchange traffic with another carrier notwithstanding the interchange commitment. This includes waivers granted under the Railroad Industry Agreement or any other ad hoc or informal exceptions.
8. Identify the customers referenced in the following statements by UP's CEO Jim Vena at the Morgan Stanley 13th Annual Laguna Conference held on September 10, 2025 and the Norfolk Southern Corporation Earnings Call held on July 29, 2025:
 - a. "We don't see any customer that degrades its service or capability to compete. And the few, very few and we're talking about less than 10 that through this transaction, because it's a bolt-on, would go 2:1."
 - b. "A significant note, with this combination, fewer than 20 customers will go from having two rail providers to just one, and we intend to provide a competitive alternative."

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Attorneys for CN

Dated: September 23, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2025, I have caused the foregoing “Grand Trunk Corporation’s First Set of Discovery Requests to Applicants” to be served electronically or by first-class mail, postage pre-paid, on the service list for Finance Docket No. 36873.

/s/ Andrew Bernstein
Andrew Bernstein

EXHIBIT G

Filed under seal pursuant to the Protective Order

EXHIBIT H

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36873

**UNION PACIFIC CORPORATION, ET AL.
—CONTROL—
NORFOLK SOUTHERN CORPORATION, ET AL.**

**CN'S RESPONSES AND OBJECTIONS TO
APPLICANTS' SECOND SET OF DISCOVERY
REQUESTS**

Pursuant to 49 C.F.R. Part 1114, Subpart B, Grand Trunk Corporation and its U.S. rail operating subsidiaries¹ (collectively, “CN”) hereby responds and objects as follows to Applicants’ Second Set of Discovery Requests (“Applicants’ Second Requests” or “Requests,” and each a “Request”) served on June 1, 2026, in connection with the above-captioned proceeding. CN reserves the right to supplement or amend these Responses and Objections as circumstances may require.

At the outset, CN objects to the Requests, including the Definitions and Instructions, on the basis that they are impermissible pre-application discovery. The Applicants, not CN, have instigated and initiated this proceeding. While CN has filed a notice of intent, CN has not filed any responsive application, and the Surface Transportation Board (the “Board”) has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al. (STB served Feb. 11, 2026). CN’s

¹ Bessemer and Lake Erie Railroad Company, Cedar River Railroad Company, Chicago, Central & Pacific Railroad Company, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Iowa Northern Railway Company, The Pittsburgh & Conneaut Dock Company, and Wisconsin Central Ltd.

ability to prepare its comment on the Amended Application, any requests for conditions, and or any responsive application is hampered by the lack of transparency from Applicants, the quality of Applicants' Amended Application, and the fact that Applicants are yet to provide information missing from their Amended Application. Moreover, because CN is not an applicant to the proposed transaction, to the extent it voluntarily agrees to engage in discovery at this stage before the deadline for comments, condition requests, and responsive applications, such discovery should be commensurate with its role as a non-applicant and limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything specifically raised by any forthcoming CN responsive application.

CN further objects to the Requests, including the Definitions and Instructions, as irrelevant to the extent Applicants served these requests in order to respond to the Board's Decision No. 21, FD 36873 et al. (STB served May 28, 2026) requiring supplemental information on July 27, 2026. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need or serve discovery on third parties to supplement their Amended Application.

Further still, the Requests seek a tremendous amount of information that, by its very nature, is the most highly confidential, such that the burden associated with searching for, reviewing, and producing the responsive non-privileged information would prejudice CN beyond the proportionality required of discovery in this proceeding.

Lastly, CN notes that Applicants are now seeking from CN and other Class I Railroads information and documents that Applicants themselves have refused to produce, despite that Applicants were served such discovery requests soon after Applicants filed their notice of intent to file an application in July 2025. Applicants' double-handed approach to discovery is inappropriate and will not be countenanced.

Accordingly, and as laid out more fully below, CN respectfully objects to the bulk of Applicants' First Requests. CN remains willing and able to meet and confer to discuss whether any modified discovery requests should be served or whether CN can satisfy the First Requests as outlined below.

GENERAL OBJECTIONS

CN makes the following General Objections to the Requests and incorporates them, as well as the Objections to Definitions and Instructions below, into its responses to each and every Request (including subparts), whether or not specifically stated in the individual response. An assertion of the same, similar, or additional objections in response to a specific Request does not waive any of these General Objections as to that or any Request. CN's failure to object to a specific Request on a particular ground shall not be construed as a waiver of its right to object on any ground.

1. CN objects to the Requests, including the Definitions and Instructions, on the basis that they are impermissible pre-application discovery. CN has not filed any responsive application, comment, or otherwise in response to the Amended Application. Nor has the Board ordered that CN produce any materials in the above-captioned proceeding. Accordingly, any discovery served on CN is premature. *See*

Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026) (“[T]he Major Merger Rules do not support compelling [broad discovery] now during the pre-application phase.”); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Moreover, even if any responsive application is filed, discovery would be limited only to those issues directly arising out of Applicants’ proposed transaction, not any transaction otherwise, and anything raised by CN’s responsive application.

2. CN objects to the Requests, including the Definitions and Instructions, as disproportionately burdensome to the extent Applicants served these requests in order to respond to the Board’s Decision No. 21, FD 36873 et al. (STB served May 28, 2026). Nothing in Decision No. 21 authorizes or suggests it would be appropriate for Applicants to serve discovery on any third party.

3. CN objects to the Requests, including the Definitions and Instructions, to the extent they impose burdens, obligations, or requirements that are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B, any discovery guidelines to be ordered in the above-captioned proceeding, or under other Board rules or precedents. In particular, CN objects to the Requests, including the Definitions and Instructions, because and to the extent they are disproportionately burdensome and not justified by any compelling need. CN is a third party and has filed a notice of intent. As such, CN’s discovery obligations (if any) are materially different from the Applicants’ and the discovery sought by Applicants in the First Requests is disproportionately burdensome in light of CN’s role in these proceedings.

4. CN objects to the Requests to the extent they seek identification of “all” documents or a category of information where the production of a subset of documents would be sufficient to respond to the Request on the basis that such Requests are unduly burdensome.

5. CN objects to the Requests, including the Definitions and Instructions, to the extent they seek information that is cumulative or duplicative, already in the Applicants’ possession, custody, or control, or that is obtainable from publicly available sources, or from another source that is more convenient, less burdensome, or less expensive, including, without limitation, by other means of discovery.

6. CN objects to the Requests to the extent the Requests seek information that is protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. In the event CN inadvertently produces or provides any such information, and such information is the proper subject of the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection, such disclosure is not to be construed as a waiver of any of these privileges, exemptions, or protections. CN reserves the right to demand that, in accordance with the Protective Order issued in the above-captioned proceeding Decision No. 1, FD 36873 et al. (STB served Aug. 5, 2025) (the “Protective Order”), such inadvertently produced privileged information be returned to it and that all copies in Applicants’ possession, and that of its counsel, consultants, subsidiaries, or other agents, be destroyed.

7. CN objects to the Requests, Instructions, and Definitions, to the extent they seek information or documents that contain confidential, proprietary, or commercially sensitive information. CN will only produce such information subject to the Protective Order as Highly Confidential.

8. CN reserves all rights to supplement, amend, revise, correct, or clarify these objections and/or responses, and CN reserves its rights to assert any applicable objection, privilege, or other protection in connection with such supplement or amendment.

9. CN does not concede the relevance, materiality, competency, or admissibility as evidence of documents or information requested in the Requests or the Responses or productions thereto provided by CN. CN reserves its right to object on any ground to the use of the Responses herein, or its related productions, in this proceeding or in any subsequent appeal, proceeding, action, or trial.

10. CN objects to the Requests to the extent that they purport to seek documents or information not in CN's possession, custody, or control.

11. CN objects to the Requests as unduly burdensome and oppressive, particularly in light of CN's status as a non-applicant, to the extent that they purport to require CN to create, generate, compile, or develop documents, data, or other materials not kept, or in a form not kept, in the ordinary course of CN's business, or to undertake anything more than a reasonable search for responsive information.

12. CN reserves the right to provide responsive, non-privileged, materials on a rolling basis.

13. CN objects to the Requests to the extent they call for categories of documents or information Applicants themselves have failed or refused to produce in response to any discovery request to which such documents or information are responsive. As the parties that initiated this proceeding and are seeking approval of the proposed transaction from the Board, Applicants are subject to substantially greater discovery obligations than a non-applicant such as CN.

OBJECTIONS TO THE DEFINITIONS AND INSTRUCTIONS

14. CN objects to Applicants' definition No. 3, "Communication" to the extent it imposes burdens, obligations, or requirements which are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B. CN further objects to Definition No. 3 as vague and ambiguous and as overbroad, unduly burdensome, and not proportional to the needs of this proceeding, to the extent it would require the production of text messages, instant messages, or any electronic communications other than email, and to the extent it purports to require production of communications that were not reduced to writing. CN objects to definition No. 2 as vague and ambiguous. CN further objects to definition No. 3 to the extent that it seeks information or data protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. Subject to and without waiving these objections or the General Objections, CN will not search for or produce these categories of "Communications" and will not produce "Communications" that are privileged or otherwise non-discoverable.

15. CN objects to Applicants' definition No. 5, "Document" to the extent it imposes burdens, obligations, or requirements which are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B. CN further objects to Definition No. 3 as vague and ambiguous and as overbroad, unduly burdensome, and not proportional to the needs of this proceeding, to the extent that it would require production of text messages, instant messages, or any electronic communications other than email. CN further objects to definition No. 5 to the extent that it seeks information or data protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. Subject to and without waiving these objections or the General Objections, CN will not search for or produce these categories of "Documents" and will not produce "Documents" that are privileged or otherwise non-discoverable.

16. CN objects to Applicants' definition No. 9, "Produce" to the extent it imposes burdens, obligations, or requirements which are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B.

17. CN objects to Applicants' definition No. 14, "You" and "Your" as overbroad, unduly burdensome, and not proportional to the needs of this proceeding, to the extent that it would require CN to respond to Requests with respect to CN's "predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents,

subsidiaries, affiliates, divisions, area offices, and regional offices, as well as all persons acting or purporting to act on its behalf.”

18. CN objects to Applicants’ instruction No. 1 as vague and ambiguous and overly broad, unduly burdensome, and not proportional to the needs of this proceeding to the extent that it would require CN to search for and produce Documents and Communications for its officers, directors, employees, attorneys, agents, and representatives thereof, to the extent those individuals neither have information that is relevant nor proportional to the needs of the proceeding, and/or it would be unduly burdensome to produce.

19. CN objects to Applicants’ instruction No. 3 as unduly burdensome, and to the extent that it imposes burdens, obligations, or requirements which are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B.

20. CN objects to Applicants’ instruction No. 5 as overly broad, unduly burdensome, and not proportional to the needs of this proceeding to the extent that it requires CN to collect and produce Documents and Communications for an unduly burdensome period of time and “to the present.” Subject to and without waiving this objection or the General Objections, to the extent CN agrees to search for and produce any materials, it will only search for and produce non-privileged, responsive Documents and Communications and CN will meet and confer with Applicants regarding the appropriate date range of such search.

21. CN objects to instruction No. 6 as unduly burdensome and to the extent it purports to impose obligations on CN that are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B.

SPECIFIC OBJECTIONS AND RESPONSES

In addition to its General Objections (which apply in full to each and every Request, without further enumeration), CN sets forth below Specific Objections and Responses to each Request. CN preserves all of its General Objections set forth above, and none of the following Specific Objections shall waive its General Objections. Nor shall any of CN's Specific Objections limit the scope, breadth, generality, or applicability of those General Objections.

REQUEST NO. 5

Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN has not produced any documents in response to discovery requests submitted by other participants in this proceeding. Subject to and without waiving

these objections or the General Objections, to the extent CN produces documents and information in response to discovery requests at a later date, CN agrees to provide them.

REQUEST NO. 6

Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure.

CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that it seeks materials that are readily and equally available to Applicants from sources other than CN in a more convenient, less burdensome, or less expensive manner, including by requesting the materials from other parties to this matter that are better suited to respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks proprietary or confidential business information, trade secrets, or other sensitive information, including information subject to existing or continuing confidentiality agreements or obligations with third parties. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 7

Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail Response industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the

governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 8

Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks information that is protected by the attorney-client privilege, the attorney work

product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 9

Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this

Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that other parties to this matter that are better suited to respond to this Request.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 10

Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, "mergers") involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding, including because, to the extent such information exists, it would be extremely competitively sensitive, and because of the lack of need by Applicants. To the extent any such internal documents exist, they would be among the most sensitive information held by CN. CN further objects to this Request as vague and ambiguous, overburdensome, and disproportionate to the needs of the proceeding to the extent it requires CN to search for any merger, acquisition, or other control transaction contemplated by anyone within CN. CN further objects to this Request to the extent that it seeks documents that are protected by the

attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request on the basis that the information requested can be obtained in less onerous ways. CN further objects to this Request to the extent that other parties to this matter that are better suited to respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to public statements made by CN executives regarding plans for the rail industry, including, but not limited to, statements made during CN's Q3 and Q4 2025 Financial and Operating Results. CN further refers Applicants to CN's forthcoming comment on the Amended Application for discussion of the downstream impacts of the merger. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 11

Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP's or NS's position in the railroad industry, Your growth or strategies for growth, and UP's or NS's growth or strategies for growth.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding, including because, to the extent such information exists, it would be extremely competitively sensitive, and because of the lack of need by Applicants. To the extent any such internal documents exist, they would be among the most sensitive information held by CN. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that other parties to this matter that are better suited to

respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to public statements made by CN executives regarding plans for the rail industry, including, but not limited to, statements made during CN's Q3 and Q4 2025 Financial and Operating Results. CN further refers Applicants to CN's forthcoming comment on the Amended Application for discussion of the impacts of the merger. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 12

Produce all Documents and Communications relating to the Proposed Transaction's potential impacts on Your, the Applicants', or any other rail carrier's rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026).

Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding, including because, to the extent such information exists, it would be extremely competitively sensitive, and because of the lack of need by Applicants. To the extent any such internal documents exist, they would be among the most sensitive information held by CN. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects

to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to public statements made by CN executives regarding plans for the rail industry, including, but not limited to, statements made during CN's Q3 and Q4 2025 Financial and Operating Results. CN further refers Applicants to CN's forthcoming comment on the Amended Application for discussion of the impacts of the merger. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 13

Produce all Documents and Communications relating to the Potential Transaction's potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting

this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that other parties to this matter that are better suited to respond to this Request.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to CN's forthcoming comment on the Amended Application. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 14

Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

Response

CN objects to this Request as it constitutes improper pre-application discovery.

CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by CN's responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable

privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that it seeks materials that are readily and equally available to Applicants from sources other than CN in a more convenient, less burdensome, or less expensive manner, including by requesting the materials from other parties to this matter that are better suited to respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to public statements made by CN executives regarding plans for the rail industry, including, but not limited to, statements made during CN's Q3 and Q4 2025 Financial and Operating Results. CN further refers Applicants to CN's forthcoming comment on the Amended Application. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 15

Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by CN's responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to CN's forthcoming comment on the Amended Application.

REQUEST NO. 16

Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No. 21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work

product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 17

Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or joint line rates, services, or routes; interline or joint line routing options; or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application. Moreover, discovery of CN is not required even under Decision No. 21. CN further objects to this Request as disproportionately burdensome to the extent Applicants are requesting this information in response to the Board's Decision No. 21. Nothing in Decision No.

21 authorizes or contemplates that the Applicants would need to serve discovery on third parties for the Applicants to prepare their supplemental information.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request to the extent that it seeks materials that are readily and equally available to Applicants from sources other than CN in a more convenient, less burdensome, or less expensive manner, including by requesting the materials from other parties to this matter that are better suited to respond to this Request. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent that it seeks materials that are duplicative of other Requests.

Subject to and without waiving these objections or the General Objections, CN refers Applicants to CN's forthcoming comment on the Amended Application. CN will otherwise meet and confer with Applicants regarding this Request.

REQUEST NO. 18

Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or

agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 19

Produce system-wide train event data for all Your trains.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to

produce in response to substantively similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 20

Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request

to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 21

Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

Subject to and without waiving these objections or the General Objections, CN will meet and confer with Applicants regarding this Request.

REQUEST NO. 22

Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those

issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 23

Produce all Documents relating to Your calculations of movement- related costs for the rail transportation services You provide, including detailed breakdowns of cost

(such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively

similar requests. CN further objects to this Request to the extent it seeks information in a form not maintained by CN in the ordinary course of business.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 24

Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work

product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 25

Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those

issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 26

Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines,

including with respect to pricing, bundling, tying, or linking rates or services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that

CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 27

Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work

product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 28

Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

Response

CN objects to this Request as it constitutes improper pre-application discovery. CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026).

Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

REQUEST NO. 29

Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

Response

CN objects to this Request as it constitutes improper pre-application discovery.

CN has not filed any responsive application, and the Board has not yet set a deadline for responsive applications. *See* Decision No. 10, FD 36873 et al., slip op. at 3 (STB served Feb. 11, 2026); Decision No. 13, FD 36873 et al. (STB served Mar. 18, 2026). Even after a responsive application is filed, discovery would be limited to only those issues directly arising out of Applicants' proposed transaction, not any transaction otherwise, and anything raised by any CN responsive application.

CN objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. CN further objects to this Request as vague and ambiguous. CN further objects to this Request to the extent that it seeks documents that are protected by the attorney-client privilege, the attorney work product doctrine, the common interest privilege, and/or any other applicable privilege, exemption, or protection from discovery or disclosure. CN further objects to this Request to the extent that it requests materials that contain confidential, proprietary, or commercially sensitive information. CN further objects to this request as disproportionately burdensome given that CN is not an applicant. CN further objects to this Request as overbroad, unduly burdensome, and not proportional to the needs of the above-captioned proceeding, to the extent that it purports to request that

CN produce records or categories of records that Applicants themselves have not yet produced or agreed to produce in response to substantively similar requests.

On the basis of its objections, CN will not produce information responsive to this Request. Subject to and without waiving these objections or the General Objections, CN reserves the right to modify or supplement this response in the event the requested information becomes relevant after CN has filed any responsive comments or application.

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Dated: June 16, 2026

Respectfully submitted,

/s/ Sara Y. Razi

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Attorneys for CN

CERTIFICATE OF SERVICE

I hereby certify that on this June 16, 2026, I have caused the foregoing “Grand Trunk Corporation’s Responses and Objections to Applicants’ Second Set of Discovery Requests” to be served electronically or by first-class mail, postage pre-paid, on the service list for Finance Docket No. 36873.

/s/ Andrew Bernstein

Andrew Bernstein
Sr. Paralegal Manager
Simpson Thacher & Bartlett LLP

EXHIBIT I

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
—CONTROL— NORFOLK SOUTHERN CORPORATION AND NORFOLK
SOUTHERN RAILWAY COMPANY

CSXT'S RESPONSES AND OBJECTIONS
TO UNION PACIFIC'S AND NORFOLK SOUTHERN'S
SECOND SET OF DISCOVERY REQUESTS

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Attorneys for CSX Transportation, Inc.

CSX Transportation (“CSXT”) responds to the Second Set of Discovery Requests (the “Requests” and individually, a “Request”) of Union Pacific Railroad Company, Union Pacific Corporation, Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, “Applicants”), served on June 1, 2026, as follows.

GENERAL RESPONSES AND OBJECTIONS

1. CSXT’s responses and objections to these Requests are based on CSXT’s present knowledge, information, and belief. CSXT reserves the right to rely upon facts, documents, and other evidence that it may develop or that may subsequently come to its attention; to assert additional objections; and to supplement or amend these responses at any time as this proceeding continues.

2. CSXT objects to these Requests to the extent they seek to impose on CSXT discovery obligations equivalent to those applicable to Applicants. Applicants are seeking approval from the Surface Transportation Board (“STB”) of the Proposed Transaction—CSXT is not. Applicants therefore should and do face a significantly larger burden in discovery than entities such as CSXT that are not parties to the Proposed Transaction.

3. CSXT objects to these Requests as premature, as information from CSXT is not relevant to the case that Applicants chose to present in their Application. That Application reflects Applicants’ affirmative case and has already been filed, and CSXT has not submitted any responsive comments or application.

4. CSXT also objects to these Requests as premature in that CSXT and other parties served discovery requests on Applicants starting months ago, and to date, Applicants have produced very little in response to those requests. It is unreasonable for Applicants to demand large scale discovery from CSXT before they have yet to fully engage with their own discovery obligations.

5. In providing these responses, CSXT reserves all objections as to competency, relevancy, materiality, authenticity, and admissibility of any information requested in the Applicants' Requests and in any responses or productions CSXT may provide thereto, in any subsequent proceeding, or further proceedings in this matter. To the extent that CSXT provides responsive information or documents, CSXT does not concede that such information is relevant, material, or admissible into evidence, and any such production is not intended to waive any of CSXT's objections to any of Applicants' Requests.

6. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, to the extent they impose upon CSXT burdens or duties that are greater than, or otherwise conflict with, the requirements or the permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B or under other Surface Transportation Board rules or precedents; are not proportional to the needs of the above-captioned proceeding; or impose an undue burden on CSXT.

7. CSXT objects to each and every Request that asks that CSXT produce "all" documents, communications, or information as unduly burdensome to the extent it requests that CSXT engage in an unreasonably broad document and

information search, collection, and review in order to identify each and every document or piece of information that may possibly be responsive. To the extent CSXT agrees to produce responsive documents or information, CSXT will only produce reasonably accessible, non-privileged, responsive documents or information that it is able to locate or identify after a reasonable search.

8. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, that request information, documents, or communications that are: (a) already in the possession of Applicants; (b) publicly available or otherwise readily available or accessible to Applicants from other sources; (c) unreasonably cumulative or duplicative of documents already in Applicants' possession, custody, or control; or (d) otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT.

9. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, as unduly burdensome to the extent they seek production from the files of all current and former CSXT employees, including those who are not reasonably likely to possess non-duplicative responsive documents. Unless specifically stated otherwise, by stating that it will produce documents responsive to these Requests, CSXT represents that it will produce documents from files most likely to contain materials responsive to the Request without undue burden.

10. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, as unduly burdensome to the extent they purport to

require CSXT to conduct a special study or to undertake anything more than a reasonable search for responsive information. In responding to Applicants' Requests, CSXT will conduct a reasonable search of those accessible files in its possession in which information responsive to Applicants' Requests, as limited by CSXT's Objections, is likely to be located.

11. CSXT objects to these Requests, and to each Definition, Instruction, and Request contained therein, to the extent they purport to prohibit CSXT from redacting information that might reveal CSXT's commercially sensitive or long-term corporate strategies and is not relevant to this proceeding or is non-responsive to the Request. CSXT will redact any such information and reserves the right to redact any non-responsive information from otherwise responsive documents produced to Applicants.

12. CSXT objects to these Requests, and to each Request contained therein, as unduly burdensome and disproportionate to the needs of this case to the extent that Applicants have themselves refused to respond or refused to produce adequate materials or information in response to discovery requests served on them that seek similar or identical information.

13. CSXT objects to the production of, and is not producing, documents or information subject to any attorney-client privilege, work-product doctrine, or other applicable privilege or protection. CSXT reserves the right to redact privileged information from materials that it produces in response to the Requests. Any production of privileged documents or information is inadvertent and should not be

deemed as a waiver of any privilege. CSXT reserves all rights under applicable law, including the Protective Order entered in this case, to demand or require the return of all copies thereof and non-use by Applicants or by any other person or entity in this or any other proceeding.

14. CSXT objects to the production of documents that constitute or disclose confidential, proprietary, or commercially or competitively sensitive information. CSXT will produce such information, if not otherwise objectionable, designated “Confidential” or “Highly Confidential,” subject to the terms of the Protective Order entered in this case. CSXT reserves the right to seek additional protections as needed.

15. CSXT objects to Applicants’ Definition No. 2 defining “Communication” and any Request that uses the term to the extent this Definition seeks to expand upon and conflicts with 49 C.F.R. Part 1114, Subpart B. CSXT further objects to Definition No. 2 and any Request that uses the term as unduly burdensome and as seeking information that is not proportional to the probative value the information sought may have in this proceeding. CSXT also objects to Definition No. 2 and any Request that uses the term to the extent it seeks information not in the possession, custody, or control of CSXT.

16. CSXT objects to Applicants’ Definition No. 3 defining “Document” and any Request that uses the term to the extent this Definition seeks to expand upon and conflicts with 49 C.F.R. Part 1114, Subpart B. CSXT further objects to Definition No. 3 and any Request that uses the term as unduly burdensome and as

seeking information that is not proportional to the probative value the information sought may have in this proceeding. CSXT also objects to Definition No. 3 and any Request that uses the term to the extent it seeks information not in the possession, custody, or control of CSXT.

17. CSXT objects to Applicants' Definition No. 4 defining "Produce" and any Request that uses the term to the extent this Definition seeks to expand upon and conflicts with 49 C.F.R. Part 1114, Subpart B. CSXT further objects to Definition No. 4 and any Request that uses the term as unduly burdensome and as seeking information that is not proportional to the probative value the information sought may have in this proceeding. CSXT also objects to Definition No. 4 and any Request that uses the term to the extent it seeks information not in the possession, custody, or control of CSXT. CSXT also objects to Definition No. 4 and any Request that uses the term to the extent it seeks information or materials that CSXT does not keep in its ordinary course of business or would require CSXT to modify or alter documents from the way they are kept in the ordinary course of business.

18. CSXT objects to Definition No. 6 defining "You" and "Your" and any Request that uses the term as overly broad, unduly burdensome, disproportionate to the needs of this case, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it purports to require CSXT to respond to the Requests with respect to CSXT's "predecessors and successors in interest, as well as its present and former directors, officers, employees, agents, managing agents, representatives, attorneys, parents, subsidiaries, affiliates, divisions, area offices,

and regional offices, as well as all persons acting or purporting to act on its behalf.” CSXT will respond to the Requests only with respect to CSXT.

19. CSXT objects to each and every Instruction as unduly burdensome to the extent the Instruction seeks to impose obligations on CSXT that are greater than or otherwise inconsistent with those imposed under 49 C.F.R. Part 1114, Subpart B.

20. CSXT objects to each and every Instruction as unduly burdensome to the extent the Instruction seeks to impose obligations on CSXT that are greater than or otherwise inconsistent with the instructions that Applicants have agreed to in responding to discovery requests served on them.

21. CSXT objects to Instruction No. 3 to the extent it purports to impose obligations on CSXT that are greater than or otherwise inconsistent with those imposed under 49 C.F.R. Part 1114, Subpart B. CSXT further objects to Instruction No. 3 as overbroad and unduly burdensome in asking for additional information about any information or Document that is “otherwise not discoverable.”

22. CSXT objects to Instruction No. 5 as purporting to seek documents or information for an unduly burdensome time period from CSXT, which is not an Applicant, and particularly since Applicants have themselves objected to a similar time period. Discovery is ongoing, and CSXT reserves the right to supplement this response and/or negotiate a relevant time period for its responses at a later time as appropriate.

DISCOVERY REQUESTS AND RESPONSES

REQUEST NO. 5

Produce all Documents and information that You produce or have previously produced in response to discovery requests submitted by other participants in this proceeding.

CSXT RESPONSE TO REQUEST NO. 5

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request as vague and ambiguous with respect to the term “produced.” CSXT also objects to this Request to the extent it seeks materials not within CSXT’s possession, custody, or control.

Subject to and without waiving the foregoing objections and its General Objections, CSXT will provide Applicants with a copy of or access to the information and documents that CSXT produces in response to discovery requests in this proceeding and will serve its responses and objections to discovery requests in this proceeding on all parties of record.

REQUEST NO. 6

Produce all Documents and Communications relating to the Proposed Transaction that You have sent to, received from, or submitted to any persons other than Applicants, including but not limited to customers, shippers, industry groups,

labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

CSXT RESPONSE TO REQUEST NO. 6

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT likewise objects to this Request as vague and ambiguous with respect to the terms “relating” and “submitted to.” CSXT additionally objects to this Request to the extent it seeks materials not within CSXT’s possession, custody, or control. CSXT also objects to this Request on the grounds that it is vague, ambiguous, and overbroad to the extent the term “You” is defined to include every agent and employee of CSXT, many of whom may have discussed the Potential Transaction but had no authority or responsibility in relation to the Potential

Transaction. CSXT further objects to this Request to the extent it seeks materials that are readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Documents or Communications relating to the Proposed Transaction, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 7

Produce all Documents concerning or consisting of any talking points or prepared messaging relating to the Proposed Transaction that You used for communications to persons other than Applicants, including but not limited to customers, shippers, industry groups, labor organizations, labor officials, government agencies or officials, other rail carriers, public officials, ports, rail industry suppliers, the Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation, the Federal Railroad Administration, the

governor of any state, the attorney general of any state, the White House, or any other federal or state government agency.

CSXT RESPONSE TO REQUEST NO. 7

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents. CSXT likewise objects to this Request as vague and ambiguous with respect to the terms “concerning,” “consisting,” “talking points,” “prepared messaging,” and “relating.” CSXT also objects to this Request on the grounds that it is vague, ambiguous, and overbroad to the extent the term “You” is defined to include every agent and employee of CSXT, many of whom may have discussed the Potential Transaction but had no authority or responsibility in relation to the Potential Transaction. CSXT additionally objects to this Request to the extent it seeks materials that are readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to

produce similar Documents in response to discovery requests they have received.

CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's talking points or prepared messaging relating to the Proposed Transaction, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 8

Identify all individuals and/or entities from whom You have sought, solicited, or discussed a potential comment, letter, or statement of opposition relating to the Proposed Transaction.

CSXT RESPONSE TO REQUEST NO. 8

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT further objects to this Request as overly broad and unduly burdensome in asking CSXT to identify "all" individuals and/or

entities. CSXT further objects to this Request as vague and ambiguous with respect to the terms “sought,” “solicited,” and “discussed.” CSXT also objects to this Request on the grounds that it is vague, ambiguous, and overbroad to the extent the term “You” is defined to include every agent and employee of CSXT, many of whom may have discussed the Potential Transaction but had no authority or responsibility in relation to the Potential Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 9

Produce all Documents and Communications relating to any discounts, contract extensions, or any other economic value or concession requested or offered in connection with or related to any discussion with a customer or stakeholder related to its opposition to or non-support for the Proposed Transaction.

CSXT RESPONSE TO REQUEST NO. 9

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other

applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the terms “discounts,” “contract extensions,” “other economic value or concession,” “requested,” “offered in connection,” “stakeholder,” and “non-support.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT.

Subject to and without waiving the foregoing objections and its General Objections, CSXT will conduct a reasonable investigation into whether any responsive, non-privileged materials exist and will produce such materials identified after a reasonable search.

REQUEST NO. 10

Produce all Documents and Communications that You have created or received from January 1, 2019, to the present relating to potential railroad mergers, acquisitions, or other control transactions (collectively, “mergers”) involving BNSF, CSX, NS or UP, or discussing railroad mergers or alternatives to railroad mergers generally, including any mergers between BNSF, CSX, NS, or UP and any other Class I railroads and any mergers You have considered executing with BNSF, CSX, NS, or UP.

CSXT RESPONSE TO REQUEST NO. 10

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT additionally objects to this Request as duplicative of the Requests contained in Applicants' First Set of Discovery Requests. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT further objects to this Request as overly broad and unduly burdensome in asking CSXT to produce "all" Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms "relating to," "involving," "discussing," "alternatives," "considered," and "executing," and as vague, ambiguous, overly broad and unduly burdensome with respect to the term "other control transactions." CSXT further objects to this Request on the grounds that it is vague, ambiguous, and overbroad to the extent the term "You" is defined to include every agent and employee of CSXT, many of whom may have "discuss[ed]" or "consider[ed]" a potential transaction but had no authority or responsibility to pursue any such transaction for CSXT. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this

Request as overly broad, unduly burdensome, and not relevant to the STB's review of the Proposed Transaction, to the extent it seeks information about mergers, acquisitions, or other transactions that may not qualify as a Major Transaction as defined by the STB. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Documents or Communications relating to potential railroad mergers, acquisitions, or other control transactions, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT refers Applicants to CSXT's Responses and Objections to Applicants' First Set of Discovery Requests.

REQUEST NO. 11

Produce all Documents and Communications relating to competition in the railroad industry, consolidation in the railroad industry, Your position in the railroad industry, UP's or NS's position in the railroad industry, Your growth or strategies for growth, and UP's or NS's growth or strategies for growth.

CSXT RESPONSE TO REQUEST NO. 11

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT,

which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT further objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT also objects to this Request as overly broad and unduly burdensome in seeking exceptionally broad topics that as stated could potentially encompass countless documents concerning CSXT’s business operating a railroad, in the possession of every CSXT employee at every level. CSXT also objects to this Request as vague and ambiguous with respect to the terms “competition,” “consolidation,” “position,” “growth,” and “strategies for growth.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s Documents or Communications relating to competition in the railroad industry, consolidation in

the railroad industry, and the other topics listed in this Request, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 12

Produce all Documents and Communications relating to the Proposed Transaction's potential impacts on Your, the Applicants', or any other rail carrier's rates, routes, services, revenues, costs, expenses, operations, investments, traffic volumes, service offerings, markets, market shares, growth, financial viability, competitive position, relationships with other railroads, or relationships with customers.

CSXT RESPONSE TO REQUEST NO. 12

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce "all" Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the terms "potential impacts," "markets," "market

shares,” “growth,” “financial viability,” “competitive position,” and “relationships.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s Documents or Communications relating to the Proposed Transaction’s potential impacts, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 13

Produce all Documents and Communications relating to the Potential Transaction’s potential impacts on Class II or Class III railroads, including but not limited to KCT, PPU, TRRA, or TTX.

CSXT RESPONSE TO REQUEST NO. 13

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT,

which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the term “potential impacts.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s Documents or Communications relating to the Proposed Transaction’s potential impacts on Class II or Class III railroads, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 14

Produce all Documents and Communications relating to the Proposed Transaction's potential or projected public benefits, diversions of railroad or truck traffic, operating efficiencies, or cost savings; the Proposed Transaction's potential or projected impacts on railroad or truck competition, You or other Class I railroads, short line railroads, or ports; and the potential or projected impacts of the Applicants' proposed Committed Gateway Pricing program.

CSXT RESPONSE TO REQUEST NO. 14

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce "all" Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the terms "potential or projected public benefits," "potential or projected impacts," and "railroad or truck competition." CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT.

CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Documents or Communications relating to the Proposed Transaction's potential public benefits, diversions, operating efficiencies, cost savings, or potential impacts, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 15

Produce all Documents and Communications relating to potential requests for conditions or responsive applications relating to the Proposed Transaction.

CSXT RESPONSE TO REQUEST NO. 15

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT has not submitted any comments or responsive application to the Proposed Transaction. CSXT objects to this Request in that it seeks the premature disclosure, outside the deadlines to be set by the STB if and when it issues a procedural schedule in these proceedings, of any requests for

conditions or responsive applications that CSXT may request. CSXT further objects to this Request in that it seeks a category of materials that, at least at this time, is very likely to be protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the term “potential requests for conditions or responsive applications.” CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT.

REQUEST NO. 16

Produce all Documents and Communications relating to any actual or potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements between You and any other Class I railroad, regardless of whether such arrangements were implemented.

CSXT RESPONSE TO REQUEST NO. 16

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it

seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT further objects to this Request as overly broad and unduly burdensome in asking CSXT to produce “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “partnerships,” “initiatives,” “arrangements,” and “implemented.” CSXT further objects to this Request to the extent it is duplicative of Request No. 4. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s Documents or Communications relating to potential joint ventures, alliances, partnerships, initiatives, or other forms of cooperative arrangements, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 17

Produce all Documents and Communications relating to the Proposed Transaction's impact or potential impact on interchange arrangements; interline or joint line rates, services, or routes; interline or joint line routing options; or cooperation with UP, NS, or other rail carriers, including but not limited to potential changes in interchange volumes, gateway usage, or service offerings.

CSXT RESPONSE TO REQUEST NO. 17

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as overly broad and unduly burdensome in asking CSXT to produce "all" Documents and Communications. CSXT additionally objects to this Request as vague and ambiguous with respect to the terms "impact" or "potential impact." CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar

Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Documents or Communications relating to the Proposed Transaction's impacts or potential impacts and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 18

Produce system-wide car and, where applicable, container, movement event data for all Your traffic. Car event data should be sufficient to identify all events and the sequence of cars within a train for each applicable event. Container event data should be sufficient to identify the car conveying the container for each applicable event and all events, including in-gate, out-gate, ramp, and deramp events.

CSXT RESPONSE TO REQUEST NO. 18

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT also objects to this Request as overly broad and unduly burdensome to the extent Applicants have not themselves produced the same data fields requested. CSXT additionally objects to this Request as overly

broad and unduly burdensome in seeking data relating to “all” traffic and events. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s system-wide car, container, or movement data, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 19

Produce system-wide train event data for all Your trains.

CSXT RESPONSE TO REQUEST NO. 19

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT also objects to this Request as overly broad and unduly burdensome to the extent Applicants have not themselves produced the same data fields requested. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking data relating to “all” trains. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise

readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's train event data, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 20

Produce data relating to reciprocal switching for the period from January 1, 2019, through December 31, 2025, including but not limited to car-level movement records, switch lists, interchange logs, line-segment level usage data, and any other records or communications reflecting reciprocal switching arrangements or traffic. To the extent not otherwise encompassed by this request, Your response should include: (1) waybill date, number, and identifiers associated with the switch operation; (2) the switching locations where the actual car switching between roads occur (FSAC, SPLC, Rule 260 junction code, station name, and state/province); (3) local customer information where the switched cars are picked-up or delivered in the switching terminal area (CIF, Parent Customer Name, FSAC, SPLC, station name, and state/province); (4) payment information for that switch; and (5) date of operation.

CSXT RESPONSE TO REQUEST NO. 20

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT also objects to this Request as overly broad and unduly burdensome in that Applicants have not themselves produced the same data fields requested. CSXT also objects to this Request as overly broad and unduly burdensome including because it seeks data that is not kept in a readily collectable format and would require CSXT to perform a special study to collect the data, to the extent it exists. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT, including from Applicants themselves. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's reciprocal switching data, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT responds that it is willing to meet and confer with Applicants regarding the relevance to the Application and scope of this Request.

REQUEST NO. 21

Produce data sufficient to show all interchange volumes with other rail carriers, broken down by line, location, and counterparty, together with any associated

payments, settlements, or charges between carriers for haulage, switching, or other car handling (including waybill identifiers, car initials and numbers, dates and times, service type, payment types, and amounts), for the period from January 1, 2019, through December 31, 2025.

CSXT RESPONSE TO REQUEST NO. 21

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT also objects to this Request as overly broad and unduly burdensome to the extent Applicants have not themselves produced the same data fields requested. CSXT also objects to this Request as overly broad and unduly burdensome including because it seeks data that is not kept in a readily collectable format and would require CSXT to perform a special study to collect the data, to the extent it exists. CSXT further objects to this Request as overly broad and unduly burdensome in seeking data relating to “all” interchange volumes regardless of their relationship to the issues posed in these proceedings. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT, including from Applicants themselves. CSXT also objects to this Request as premature. The case Applicants have presented in their Application

does not rely on CSXT's interchange volume data, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 22

Produce Documents sufficient to show how You determine the rates that You establish for rail transportation for each route, commodity, and customer, including but not limited to any pricing models, pricing systems, or internal pricing formulas You have utilized.

CSXT RESPONSE TO REQUEST NO. 22

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT also objects to this Request as vague and ambiguous with respect to the terms “rates,” “pricing models,” “pricing systems,” and “internal pricing formulas.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants

have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT's internal methodology for determining rates for each route, commodity, and customer or its Documents showing how it determines such rates, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 23

Produce all Documents relating to Your calculations of movement-related costs for the rail transportation services You provide, including detailed breakdowns of cost (such as by route, commodity, car type, and customer) in documents and/or a computer-readable database or electronic spreadsheet.

CSXT RESPONSE TO REQUEST NO. 23

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request as seeking data that is not relevant, overly broad, unduly burdensome, and not proportional to the needs of this case. Applicants themselves rely on the STB's Uniform Rail Costing

System data in their Application for calculations of their costs and have not themselves produced their internal movement-related costing data. CSXT also objects to this Request as overly broad and unduly burdensome including because it seeks data that is not kept in a readily collectable format and would require CSXT to perform a special study to collect the data, to the extent it exists. CSXT likewise objects to this Request to the extent it seeks materials that are otherwise readily available or accessible to Applicants from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from CSXT, including from Applicants themselves.

REQUEST NO. 24

Produce all Documents and Communications relating to Your policies or strategies for the pricing of Your rail transportation services, including without limitation the level of returns that You require when pricing rail traffic.

CSXT RESPONSE TO REQUEST NO. 24

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and

Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “policies,” “strategies,” “pricing,” and “level of returns.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s particular pricing policies and strategies or its Documents and Communications concerning those policies and strategies, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 25

Produce all Documents and Communications relating to Your strategies for growing Your rail traffic.

CSXT RESPONSE TO REQUEST NO. 25

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it

seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “strategies” and “growing.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s particular growth strategies or its Documents and Communications concerning those strategies, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 26

Produce all Documents and Communications relating to Your strategies for obtaining or maintaining business from customers with multiple facilities on Your rail lines, including with respect to pricing, bundling, tying, or linking rates or

services, and providing discounts or otherwise reducing fees for customers that have multiple facilities.

CSXT RESPONSE TO REQUEST NO. 26

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “obtaining or maintaining business,” “pricing,” “bundling,” “tying,” “linking rates or services,” and “discounts.” CSXT additionally objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s particular strategies for pricing for customers with multiple facilities or Documents or Communications concerning any such strategies, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 27

Produce all Documents and Communications relating to Your changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

CSXT RESPONSE TO REQUEST NO. 27

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “changes” and “implementation.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this

Request as premature. The case Applicants have presented in their Application does not rely on CSXT's Precision Scheduled Railroading-related service changes or Documents and Communications concerning any such changes, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 28

Produce all Documents and Communications relating to instances in which You made offers (such as bids on Request for Proposals) to customers opening new facilities that could be served by a rail carrier.

CSXT RESPONSE TO REQUEST NO. 28

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking "all" Documents and Communications. CSXT also objects to this Request as vague and ambiguous with

respect to the term “offers.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case Applicants have presented in their Application does not rely on CSXT’s offers to customers opening new facilities or Documents or Communications concerning any such offers, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

REQUEST NO. 29

Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss Your plans or strategies for retaining or increasing the revenues obtained from rail customers (whether by growing traffic, increasing prices, or otherwise).

CSXT RESPONSE TO REQUEST NO. 29

CSXT incorporates all General Responses and Objections as if stated fully herein. CSXT specifically objects to this Request in that it seeks to impose on CSXT, which is not an Applicant in this proceeding, discovery obligations equivalent to those required of Applicants. CSXT further objects to this Request to the extent it

seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the common interest privilege, or any other applicable privileges or immunities. CSXT additionally objects to this Request as overly broad and unduly burdensome in seeking “all” Documents and Communications. CSXT also objects to this Request as vague and ambiguous with respect to the terms “prepared,” “regular basis,” “plans,” “strategies,” and “retaining.” CSXT also objects to this Request as unduly burdensome and not proportional to the needs of this case to the extent Applicants have refused to produce similar Documents and Communications in response to discovery requests they have received. CSXT also objects to this Request as premature. The case that Applicants have presented in their Application does not rely on CSXT’s particular revenue growth plans or strategies or its Documents and Communications concerning such plans or strategies, and CSXT has not submitted any responsive comments or application to the Proposed Transaction.

Subject to and without waiving the foregoing objections and its General Objections, CSXT reserves the right to modify or supplement this response in the event the requested information becomes relevant after CSXT has filed any responsive comments or application.

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Respectfully submitted,

/s/ Eric P. Enson

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Attorneys for CSX Transportation, Inc.

Dated: June 16, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of June, 2026, I caused a true and correct copy of the foregoing CSX Transportation, Inc.'s Responses and Objections to Applicants' Second Set of Discovery Requests to be 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/ Eric P. Enson

Eric P. Enson

Attorney for CSX Transportation, Inc.

EXHIBIT J

Filed under seal pursuant to the Protective Order

EXHIBIT K

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
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July 6, 2026

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

Counsel:

We write on behalf of Applicants to address deficiencies in the responses of BNSF, CN, CPKC, and CSX (“Non-Applicant Railroads”) to Applicants’ Second Set of Discovery Requests, which were served on June 1, 2026.

In response to a substantial majority of requests, Non-Applicant Railroads have refused to produce responsive documents and information. For the few requests where Non-Applicant Railroads have provided a substantive response or committed to produce responsive documents or information, they appear to be improperly narrowing the scope of responsive material. Non-Applicant Railroads’ refusal to search for or produce responsive material is contrary to the discovery rules of the Surface Transportation Board, the decisions of the Board and Judge Soulikias, and inconsistent with Non-Applicant Railroads’ assertions regarding the types and scope of discovery necessary in this proceeding.

As a result of Non-Applicant Railroads’ obstruction, they have produced **zero** responsive documents in this proceeding. This is unacceptable. Non-Applicant Railroads elected to participate in this proceeding as parties. While party status grants Non-Applicant Railroads the right to serve discovery requests, submit comments and motions to the Board and Judge Soulikias, and formally challenge or seek conditions to the proposed merger, it also imposes obligations, including the obligation to respond to discovery in accordance with the Board’s rules.

There can be no dispute that the documents and information Applicants seek from Non-Applicant Railroads are subject to discovery. They all relate to topics that Non-Applicant Railroads have already insisted are relevant to this proceeding—whether through the hundreds of discovery requests that they have issued to Applicants, their statements opposing the merger, or their robust public relations campaigns against the proposed transaction. Indeed, many mirror

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requests that Non-Applicant Railroads themselves have served on Applicants. Among other things, Applicants' requests seek documents regarding: (i) efforts to influence shippers' and other stakeholders' positions with respect to the proposed merger; (ii) the state of competition, cooperation, and consolidation in the rail industry; (iii) potential impacts of the proposed transaction; and (iv) how strategies with respect to pricing, rail growth, revenue growth, and bundling services affect the market. Applicants also seek production of the same types of data that Non-Applicant Railroads requested and received from Applicants.

Some of the above requests, namely the requests for data, can be addressed through targeted collection of responsive documents or information. For the remaining requests, Non-Applicant Railroads must conduct custodial searches—comparable to the searches they have demanded of Applicants. This is necessary to avoid placing Applicants at a disadvantage in responding to Non-Applicant Railroads' arguments regarding the proposed transaction. If Non-Applicant Railroads are permitted to sift through Applicants' internal day-to-day communications in an attempt to identify materials that undermine Applicants' claims regarding the proposed transaction and its effect on the rail industry, Applicants must have access to comparable materials from other railroads in order to fairly respond.

Please provide your availability to meet and confer this week regarding Applicants' requests.

Respectfully submitted,

/s/ Kevin M. Kelly

Kevin M. Kelly

*Attorney for Union Pacific
Corporation and Union
Pacific Railroad Company*

EXHIBIT L

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36873

**UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
– CONTROL –
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY**

CPKC’S FIRST SET OF DISCOVERY REQUESTS TO APPLICANTS

Pursuant to 49 C.F.R. §§ 1114.26 and 1114.30, Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City and CPKC, on behalf of itself and its U.S. rail carrier subsidiaries (collectively “CPKC”),¹ requests that Union Pacific Corporation and Union Pacific Railroad Company and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively “Applicants”), respond to no later than December 26, 2025, and produce documents responsive to the following discovery requests no later than January 2, 2026, unless otherwise agreed to by the parties. Applicants are requested to contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously.

DEFINITIONS

1. “Applicants” means Union Pacific and Norfolk Southern.

¹ 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.

2. “BNSF” means BNSF Railway Company; its parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

3. “Communication” means any transmission or receipt of information by one or more persons or between two or more persons by means including but not limited to telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, text messages, instant messages, messages on other messaging applications (such as Signal, Slack, Salesforce, Telegram, WhatsApp, WeChat, Teams, or Zoom) other computer linkups, written memoranda, and in-person conversations.

4. “Concerning” means relating to, referring to, describing, reflecting, evidencing, constituting, or comprising.

5. “CSX” means CSX Transportation, Inc.; its parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

6. “Document” has the broadest meaning permissible under 49 C.F.R. § 1114.30, including but not limited to electronically stored information and any Communication, writing, drawing, graph, chart, photograph, sound recording, image, and other data or data compilation stored in any medium from which information can be obtained.

7. “East-West Freight Movements” means intercity freight movements between locations served by or via UP that are west of a MidContinent Gateway and locations served by or via NS that are east of a MidContinent Gateway, regardless of whether such freight traffic moves by rail, truck, barge, steamship, or some combination thereof.

8. “Including” means including without limitation.

9. “Merger Agreement” means the “Agreement and Plan of Merger dated as of July 28, 2025” referenced in Applicants’ Notice of Intent to File Application for Approval of Transaction Subject to 49 U.S.C. §§ 11323-25 (UP-1/NS-1), filed in this docket on July 30, 2025.

10. “Midcontinent Gateway” means Chicago, Kansas City, Omaha/Council Bluffs, Kansas City, St. Louis/East St. Louis, Memphis/West Memphis, Shreveport, Meridian, Myrtlewood, Birmingham, and New Orleans.

11. “NS Executive Level Documents” means Documents prepared by, prepared for, or received by, (a) the Board of Directors of Norfolk Southern, (b) officers of Norfolk Southern; (c) Norfolk Southern management personnel in the Operations, Marketing & Sales, and Strategic Planning areas at the level of Assistant Vice President and above; and (d) any predecessors or successors of the persons who currently hold each of the above positions listed in parts (a)-(c) above.

12. “NSC” means Norfolk Southern Corporation.

13. “NSR” means Norfolk Southern Railway Company.

14. “Norfolk Southern” or “NS” means NSC, NSR, and their respective parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

15. “Person” or “Persons” means any natural person or any entity including, but not limited to: any corporation, partnership, association, company, estate, business, governmental entity, or agency (public or private), having a separate identification, which is recognized either in law or in fact.

16. “Proposed Transaction” means the proposed “acquisition of control by UPC, through its wholly owned subsidiary Ruby Merger Sub 1 Corporation, of NSC, and through it of NS, and for the resulting common control by UPC of UP and NS” described in Applicants’ Notice of Intent to File Application for Approval of Transaction Subject to 49 U.S.C. §§ 11323-25 (UP-1/NS-1), filed in this docket on July 30, 2025.

17. “Relating to” means mentioning, discussing, reflecting, containing, concerning, embodying, stating, dealing with, or making reference to or relating to in any way.

18. “Standard Point Location Code” or “SPLC” means the numeric code used to specify the physical location of a station.

19. “Transcontinental Rail Merger” means any potential combination of Class 1 railroads that includes UP and NS; UP and CSX; BNSF and NS; or BNSF and CSX (or multiple of such combinations).

20. “U.S.” means the United States of America.

21. “UP Draft S-4” means the form S-4 registration statement filed by Union Pacific Corporation with the U.S. Securities and Exchange Commission on September 16, 2025.

22. “UP Executive Level Documents” means Documents prepared by, prepared for, or received by, (a) the Board of Directors of Union Pacific; (b) officers of Union Pacific; (c) Union Pacific management personnel in the Operations, Marketing & Sales, and Strategic Planning areas at the level of Assistant Vice President and above; and (d) any predecessors or successors of the persons who currently hold each of the above positions listed in parts (a)-(c) above.

23. “UPC” means Union Pacific Corporation.

24. “UPRR” means Union Pacific Railroad Company

25. “Union Pacific” or “UP” means UPC, UPRR, and their respective parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

26. The “White House” means President Donald J. Trump, Vice President JD Vance, the Cabinet, and the Executive Office of the President.

INSTRUCTIONS

1. Unless otherwise specified, the time period for these requests is from January 1, 2019, through the date of the response.

2. Documents in Microsoft Excel, Access, and PowerPoint, should be produced in native format.

3. Data files should be submitted in electronic format, specifically Microsoft Excel spreadsheets or delimited text formats, with all underlying data un-redacted and all underlying formulas and algorithms intact. Data files should be produced with the information necessary to read and interpret the data (*e.g.*, record layout, field names and definitions, definitions of terms or abbreviations used in the fields).

4. Applicants include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

5. For purposes of these requests, so as to provide the broadest possible construction of a request: the singular shall be read to include the plural and vice versa, the present tense shall be read to include the past tense and vice versa, the term “each” shall be read to include the term “every” and vice versa, the term “any” shall be read to include the term “all” and vice versa, and the term “and” shall be read to include the term “or” and vice versa.

6. To the extent materials called for herein contain Confidential Information under the Protective Order entered in the Decision served August 5, 2025 in this proceeding, CPKC will treat them in accordance with this Protective Order.

7. If an Applicant objects to any portion of any Request, it should identify the portion to which it objects, state the basis for the objection, and respond to the remainder. If an Applicant has objections, that Applicant's counsel is requested to promptly confer with undersigned counsel for CPKC so that Applicant's objections can be promptly addressed and resolved. Please contact Dylan Aluisse or Nathan Golden (contact information below) in the first instance with any questions or concerns or to set up a meet and confer regarding these Requests.

8. If an Applicant withholds any information or Document on the ground that it is privileged, subject to the work product doctrine, or otherwise not discoverable: (a) identify the type of Document (*e.g.*, letter, memorandum, report, chart); identify the author, each addressee and each recipient; state the number of pages, title and date of the Document, and (b) state the basis for the claim that it is privileged or otherwise not discoverable. Such information should be supplied in sufficient detail to permit CPKC to assess the applicability of the privilege claimed.

9. If any of the requested Documents was but is no longer in an Applicant's possession or subject to its control, state what disposition was made of it and when, and explain the reasons for such disposition.

10. If there are no Documents responsive to a particular Request, Applicants should so state in writing.

11. Discovery responses should be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

12. These Requests are continuing in nature. If, after making an initial response hereto (and up until the time of a hearing by the Surface Transportation Board in this proceeding), Applicants or their attorneys, agents, or representatives, obtain or become aware of any further Documents responsive to these Requests that were unavailable at the time of the initial response, Applicants are requested to produce such Documents within a reasonable time.

REQUESTS

1. Produce all information and Documents that Applicants or their representatives produce in response to discovery requests submitted by other participants in this proceeding.

CPKC repeats this request on a continuing basis during the pendency of the proceeding.

2. Produce all information and Documents that Applicants or their representatives receive in response to discovery requests they submit to other participants in this proceeding.

CPKC repeats this request on a continuing basis during the pendency of the proceeding.

3. Produce Communications sufficient to show any agreements or understandings reached with other participants in this proceeding, or any positions asserted by Applicants to the extent not reflected in Documents served on all parties of record in this proceeding, regarding the scope of Applicants' responses to discovery requests submitted by other parties in this

proceeding. CPKC repeats this request on a continuing basis during the pendency of the proceeding.

4. Produce all Documents that Applicants have provided to third parties, including but not limited to shippers, smaller railroads, public officials, ports, and rail industry suppliers, regarding the Proposed Transaction.

5. Produce all Documents prepared or reviewed by Union Pacific CEO James Vena in preparation for his September 2025 meeting with President Donald J. Trump.

6. Produce all Documents reflecting Communications between Union Pacific and any member of the White House since January 20, 2025.
7. Produce all Documents summarizing, describing, referencing, or discussing the September 2025 meeting between Union Pacific CEO James Vena and President Donald J. Trump.
8. Produce density charts and/or maps for the UP and NS systems for the period January 1, 2019 to the present.
9. Produce maps, charts, or diagrams prepared in the ordinary course by Applicants showing the capacity (maximum, fluid, and available) of rail lines comprising UP's and NS's networks for the period January 1, 2019 to the present.
10. Produce all UP Executive Level Documents since January 1, 2000 studying, analyzing, or discussing potential railroad combinations involving UP, BNSF, CSX, or NS, or discussing Transcontinental Rail Mergers generally.
11. Produce all NS Executive Level Documents since January 1, 2000 studying, analyzing, or discussing potential railroad combinations involving UP, BNSF, CSX, or NS, or discussing Transcontinental Rail Mergers generally.
12. Produce all NS Executive Level Documents relating to the “[l]ane [r]ationalization” referenced in the NS Press Release dated April 4, 2024, entitled “Norfolk Southern announces new initiatives to drive further productivity and accountability.”
13. Produce all UP Executive Level Documents relating to the initiative described in the UP Press Release dated September 12, 2023, entitled “Union Pacific’s Newest Offering Removes Full Day of Transit Between the U.S., Mexico and Canada, Creating Unmatched Service for Customers.”

14. Produce all UP Executive Level Documents relating to the initiative described in the UP Press Release dated September 15, 2025, entitled “New Union Pacific and Norfolk Southern Intermodal Gateway Expands Market Access.”

15. Produce all NS Executive Level Documents relating to the initiative described in the UP Press Release dated September 15, 2025, entitled “New Union Pacific and Norfolk Southern Intermodal Gateway Expands Market Access.”

16. Produce all UP Executive Level Documents relating to strategies for growing UP’s rail traffic.

17. Produce all NS Executive Level Documents relating to strategies for growing NS’s rail traffic.

18. Produce all UP Executive Level Documents relating to forecasts prepared in the ordinary course of future traffic levels on the UP rail network.

19. Produce all NS Executive Level Documents relating to forecasts prepared in the ordinary course of future traffic levels on the NS rail network.

20. Produce all UP Executive Level Documents relating to policies or strategies for the pricing of UP’s rail transportation services, including without limitation the level of returns that UP requires when pricing rail traffic, including but not limited to the approaches referenced by UP’s then CFO Rob Knight in 2018 (“As you know, and you followed us for many years, for many years we’ve been willing to walk away from business if it doesn’t have the right returning characteristics”) (Remarks at Credit Suisse Industrials Conference (Nov. 19, 2018)); and UP’s current CPO Jennifer Hamann in 2019 (“We have done I would say a very good job over the last several years of really focusing on that profitability of each piece of our business and where it

didn't make sense for us to move it, we had moved away from some of this.") (Remarks at Stephens Nashville Investment Conference (Nov. 15, 2019)).

21. Produce all NS Executive Level Documents relating to policies or strategies for the pricing of NS's rail transportation services, including without limitation the level of returns that NS requires when pricing rail traffic.

22. Produce all UP Executive Level Documents relating to UP's changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

23. Produce all NS Executive Level Documents relating to NS's changes (including without limitation reductions) in service or service frequency occasioned by implementation of Precision Scheduled Railroading.

24. Produce all UP Executive Level Documents discussing, analyzing, studying, or referring to UP's ability or potential ability to negotiate, insist upon, or obtain more favorable terms for UP transportation services, or obtain additional business, by linking, bundling, tying, or otherwise including in a negotiation or offer other rail transportation service that NS is uniquely or advantageously situated to perform (including without limitation where NS is the sole rail carrier serving a particular shipper facility or providing an efficient rail route).

25. Produce all NS Executive Level Documents discussing, analyzing, studying, or referring to NS's ability or potential ability to negotiate, insist upon, or obtain more favorable terms for NS transportation services, or obtain additional business, by linking, bundling, tying, or otherwise including in a negotiation or offer other rail transportation service that NS is uniquely or advantageously situated to perform (including without limitation where NS is the sole rail carrier serving a particular shipper facility or providing an efficient rail route).

26. Produce all Documents prepared by personnel in the marketing department and presented to managers recommending, reviewing, or discussing strategies for contracting with customers that have multiple facilities served by UP, including without limitations documents in the form of emails, strategy decks, playbooks, or any other form.

27. Produce all Documents prepared by personnel in the marketing department and presented to managers recommending, reviewing, or discussing strategies for contracting with customers that have multiple facilities served by NS, including without limitations documents in the form of emails, strategy decks, playbooks, or any other form.

28. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss UP's plans or strategies for retaining or increasing the revenues obtained by UP from rail customers (whether by growing traffic, increasing prices, or otherwise).

29. Produce all Documents prepared on a weekly, monthly, quarterly, annual, or other regular basis that discuss NS's plans or strategies for retaining or increasing the revenues obtained by UP from rail customers (whether by growing traffic, increasing prices, or otherwise).

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Respectfully submitted,



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Attorneys for CPKC

Dated: December 18, 2025

CERTIFICATE OF SERVICE

I hereby certify that, on this 18th day of December, 2025, a true and correct copy of the foregoing CPKC's First Set of Discovery Requests to Applicants 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.



Nathan H. Golden

EXHIBIT M

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
–CONTROL–
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN
RAILWAY COMPANY

CSX TRANSPORTATION, INC.'S FIRST SET OF DISCOVERY REQUESTS
TO UNION PACIFIC RAILROAD CORPORATION, UNION PACIFIC RAILROAD
COMPANY, NORFOLK SOUTHERN CORPORATION, AND NORFOLK SOUTHERN
RAILWAY COMPANY

Pursuant to 49 C.F.R. §§ 1114, CSX Transportation Inc. (“CSXT”) requests that Union Pacific (as defined below) and Norfolk Southern (as defined below) respond to the following discovery requests in accordance with the STB’s rules and the Definitions and Instructions set forth below.

Pursuant to 49 C.F.R. § 1114.26(a) and 1114.30, CSXT specifies that responses to the Requests for Production below should be served no later than January 22, 2026.

Except as otherwise specified, these requests are for materials:

- a) maintained as an original or copy in digital form;
- b) that were produced in, are regarding, or, in the case of internal, industry, or governmental rules, agreements, regulations, or laws, are applicable to the years 2020 to the present; and
- c) readily provided upon requests or accessible to senior management of any organizational subdivision of Union Pacific or Norfolk Southern.

I. CONSTRUCTION

1. “And” shall be construed to mean “or” and vice versa, as necessary to bring within the scope of the request all information that might otherwise be construed to be outside of its scope.
2. “Any” shall be construed as “all” and vice versa, as necessary to bring within the scope of the request all information that might otherwise be construed to be outside of its scope.
3. As necessary to bring within the scope of these requests any information and Documents which might otherwise be construed to be outside their scope, all words or phrases shall be construed as either singular, plural, masculine, feminine, or neuter; the singular form of a noun or pronoun shall Include within its meaning the plural form of the noun or pronoun and vice versa; and the use of any tense of any verb shall Include within its meaning all other tenses of the verb.
4. References to railroads, shippers, consultants, or companies Include affiliates, subsidiaries, predecessors, successors, officers, directors, employees, attorneys, agents, and representatives thereof.

II. DEFINITIONS

1. “Union Pacific” means Union Pacific Corporation and Union Pacific Railroad Company, individually and collectively, and their predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries (including both wholly owned and partially owned subsidiaries), affiliates, joint ventures, divisions, area offices, and regional offices of the foregoing companies; all persons or entities that have partial or total ownership or control of Union Pacific Corporation or Union Pacific

Railroad Company; and all persons acting or purporting to act on behalf of Union Pacific Corporation or Union Pacific Railroad Company.

2. “Norfolk Southern” means Norfolk Southern Corporation and Norfolk Southern Railway Company, individually and collectively, and their predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries (including both wholly owned and partially owned subsidiaries), affiliates, joint ventures, divisions, area offices, and regional offices of the foregoing companies; all persons or entities that have partial or total ownership or control of Norfolk Southern Corporation and Norfolk Southern Railway Company; and all persons acting or purporting to act on behalf of Norfolk Southern Corporation and Norfolk Southern Railway Company.
3. “Analysis” Includes any examination, study, investigation, breakdown, assessment, scrutinization, calculation, quantification, or comparison.
4. “Applicant(s)” means Union Pacific and/or Norfolk Southern, as defined herein.
5. “Application” means the Railroad Control Application submitted by Applicants on December 19, 2025 in the Proceedings, as corrected or amended, Including all Verified Statements, Exhibits, Appendices, Statements of Support, Work Papers, and other supporting materials.
6. “CSXT” means CSX Transportation, Inc., and its predecessors and successors in interest, as well as its subsidiaries, affiliates, joint ventures, divisions, area offices, and regional offices; and all persons acting or purporting to act on their behalf. Subsidiaries, affiliates, and joint ventures include any Person in which there is a partial (25% or more) total ownership or control through and between CSXT and any other Person.

7. "Data Set" means all or a subset of data held by, or accessible to, either Applicant in the normal course of business provided by either Applicant to respond to any request herein.
8. "Document" has the meaning used in Rule 34(a) of the Federal Rule of Civil Procedure, and Includes all originals, non-identical copies and drafts of any form of written, printed, typed, recorded, photocopied, photographed, graphically or electronically generated or stored matter, however produced or reproduced, of any kind or description, Including any book, pamphlet, periodical, correspondence, letter, official form, application, diary, written statement, minutes, memorandum, email, telephone call, invoice, bill, receipt, form, printout, financial statement, accounting record, telegram, cable report, record, contract, agreement, study, report, statistics, summary, handwritten note, tag, label, draft working paper, print, list, tape, photograph, microfilm, data sheet, data processing card, plan, specification list or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter and things similar to the foregoing, however denominated, and any and all attachments to any of the foregoing. Further, the term "Document" Includes
 - a. Both basic records and summaries of such records (Including computer runs);
 - b. Both original versions and copies that differ in any respect from original versions;
and
 - c. Both Documents in the possession, custody, or control of either Applicant and documents in the possession, custody or control of consultants or others who have assisted either Applicant or participated in the creation of those documents.
9. "Description" means a statement or account giving the characteristics of something.
10. "Geographic Competition" has the meaning used in 49 C.F.R. § 1180.7.
11. "Identify," unless otherwise specified, means:

- a. When used with reference to a Document, to: (i) provide a Description of such Document or thing sufficient to support a request for production, (ii) state its author(s), addressee(s), recipient(s), title, subject matter, date, present location and custodian, (iii) specify the place where the Document or thing may be inspected, and (iv) if the Document was produced in the Proceedings, specify the Document by Bates number(s) or identifying method used as an alternative to Bates numbering. If a Document once existed and has since been lost, destroyed, or is otherwise missing or unavailable, Identify the Document and state the details Relating to the unavailability of such Document;
 - b. When used with reference to an entity, to: state the entity's (i) full name, (ii) last known address(es), (iii) telephone number(s), and (iv) organizational form (e.g., corporation, sole proprietorship, partnership, joint venture, etc.);
 - c. When used with reference to an event, to: (i) provide the date and place of the event; (ii) Identify all persons involved in the event or who witnessed the event; and (iii) describe what took place during the event;
 - d. When used with reference to an individual person, to: state that person's: (i) full name; (ii) last known job title or position, business affiliation and employer; (iii) last known business address; and (iv) last known business telephone and cell number(s), fax number(s), and e-mail address(es); and
 - e. When referring to the Application or work papers, to specify the volume and page number in the Application and the file name and page in the work papers.
12. "Include," "Includes" or "Including" means including but not limited to. For avoidance of doubt, all matter specified by "Includes" or "Including" shall refer without limitation

by, and even if not otherwise encompassed by, the remainder of the request in which it is used.

13. “Intermodal Competition” has the meaning of “inter- ... modal competition” used in 49 C.F.R. § 1180.7, Including competition through and between and among providers of transportation by rail and by other modes of transportation.
14. “Intramodal Competition” has the meaning used in 49 C.F.R. § 1180.7.
15. “Management Level Documents” means Documents prepared by, prepared for, or received by the Applicants’: (1) Board of Directors; (2) officers; (3) management personnel in Operations, Finance, Marketing & Sales, or Strategic Planning areas at the level of Assistant Vice President and above; and (4) any predecessors or successors of the Persons who currently hold any of the positions listed.
16. “Minimum Viable Scale” means the smallest amount of production or service volume at which average costs equal the price currently charged for rail service. It should be noted that Minimum Viable Scale differs from the concept of minimum efficient scale, which is the smallest scale at which average costs are minimized.
17. “Person” Includes Union Pacific and Norfolk Southern and means any natural person, corporate entity, partnership, association, joint venture, government entity, or trust.
18. “Plans” means tentative and preliminary proposals, recommendations, or considerations, whether or not finalized or authorized, as well as those that have been adopted.
19. “Privilege Log” means the log produced according to Instruction No. 4, below.
20. “Proceedings” means those before the Surface Transportation Board (“Board”) concerning the application in STB Finance Docket No. 36873, and any related

proceedings before the Board, and any judicial review proceedings arising from STB Finance Docket No. 36873, or from any related proceedings before the Board.

21. “Product Competition” is used herein the same way the term is used in 49 C.F.R. § 1180.7.
22. “Proposed Transaction” means the proposed acquisition in the Application filed in STB Finance Docket No. 36873 for control by Union Pacific of Norfolk Southern contemplated by the Application and Proceedings, or any other proposed, contemplated, discussed, or related transaction through and between Union Pacific and Norfolk Southern.
23. “Public Interest Benefits” means effects from a transaction the STB relies on as evidence the transaction is consistent with the public interest within the meaning of 49 U.S.C. § 11324(c) and applicable STB regulations, Including enhanced competition, or effects on which the Applicants contend the STB should so rely.
24. “Rate” or “Rates” means all rates offered or charged by a railroad to a customer for rail service, including tariff rates, contract rates, and rates that are exempt from Surface Transportation Board regulation.
25. “Relating to” means directly or indirectly, expressly or impliedly, or in any other way, to bear upon, touch upon, incorporate, constitute, affect, Include, pertain to, support, negate, and/or otherwise have any connection with the subject matter about which the Request inquires.
26. “Sole-Served” refers to a single railroad serving an origin or destination station (*i.e.*, customer location) without access to another railroad through use of the trackage of the single railroad or otherwise.

27. “STB” means the Surface Transportation Board.
28. “Sunk Costs” means the acquisition costs of tangible and intangible assets necessary to produce and sell the Relevant Product that cannot be recovered through the redeployment of these assets for other uses.
29. “V.S.” means Verified Statement as used in the Application.
30. “You” or “Your” refers to the responding Applicant.
31. “1997 I-5 Proportional Rate Agreement” refers to the agreement that UP and BNSF Railway Company (“BNSF”) entered into in 1997 that allowed UP to participate in joint rates with BNSF for traffic moving to or from points in an area north of Portland, Oregon, and west of Billings and Havre, Montana, and points in an area extending from Oregon to West Texas.

III. INSTRUCTIONS

1. Your answers shall include all responsive information within Your possession, custody, or control.
2. Discovery responses shall be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.
3. To the extent materials called for herein Include or reflect Confidential Information or Designated Material within the meaning of the Protective Order entered in the Proceedings, CSXT will protect them from disclosure to third parties and in accordance with the Protective Order.
4. If any documents or parts of documents are withheld from production based on a claim of privilege, provide a statement of the claim of privilege and all facts relied upon in support thereof, in the form of a log (the “Privilege Log”) that includes, in separate fields, a

privilege identification number; beginning and ending document control numbers; parent document control numbers; attachments document control numbers; family range; number of pages; all authors; all addressees; all blind copy recipients; all other recipients; all custodians; date of the document; the title or subject line; an indication of whether it is redacted; the basis for the privilege claim (*e.g.*, attorney-client privilege), including the underlying privilege claim if subject to a joint-defense or common-interest agreement; and a description of the document's subject matter. Attachments to a document should be identified as such and entered separately on the log. For each author, addressee, and recipient, state the Person's full name, title, and employer or firm, and denote all attorneys with an asterisk. The description of the subject matter shall describe the nature of each document in a manner that, though not revealing information itself privileged, provides sufficiently detailed information to enable the requestor and a court to assess the applicability of the privilege claimed. For each document or part of a document withheld under a claim that it constitutes or contains attorney work product, also state whether the responding Applicant asserts that the document was prepared in anticipation of litigation or for trial and, if so, identify the anticipated litigation or trial upon which the assertion is based. Submit all non-privileged portions of any responsive document (including nonprivileged or redactable attachments) for which a claim of privilege is asserted (except where the only non-privileged information has already been produced in response to this instruction), noting where redactions in the document have been made. Documents authored by outside lawyers representing the responding Applicant that were not directly or indirectly furnished to any third party, such as internal law firm memoranda, may be omitted from the log. Provide the log in Microsoft Excel readable format.

5. Unless otherwise specific in the Request, the time period for the requested information shall be January 1, 2020 to the present.

IV. DOCUMENT REQUESTS

1. Produce all Documents and information Applicants have produced in response to discovery requests submitted by other participants in the Proceedings.
2. Produce all Documents and information submitted by Applicants to the STB, the United States Department of Justice, or any other federal government agency or official, including the President of the United States, state attorneys general, or any other state government agency or official relating to the Proposed Transaction.
3. Produce all Documents studying, analyzing, discussing or otherwise Relating to the impacts of the Proposed Transaction on rail service offered, or that may be offered, by any Person, Including:
 - a. Impacts of the Proposed Transaction on single-line rail service offered by any Person;
 - b. Impacts of the Proposed Transaction on traffic that is or may be interchanged through and between any Persons;
 - c. Impacts of the Proposed Transaction on market shares;
 - d. Impacts of the Proposed Transaction on interline connections;
 - e. Impacts of the Proposed Transaction on pricing and service;
 - f. Impacts of the Proposed Transaction on Intramodal Competition;
 - g. Impacts of the Proposed Transaction on Intermodal Competition;
 - h. Impacts of the Proposed Transaction on Product Competition; and
 - i. Impacts of the Proposed Transaction on Geographic Competition.

4. Produce documents sufficient to show the Applicants' Plans Relating to rail service through and between the following locations, Including investments in infrastructure and capacity, traffic forecasts, density charts, capacity studies or reports, changes expected to result from the Proposed Transaction that would impact any Person's costs to provide rail service through and between the locations, and all studies, analyses, and reports regarding expected or potential impacts of the Proposed Transaction on rates and service for traffic moving through and between the locations:
 - a. Meridian Speedway;
 - b. Dallas, Texas and the Meridian Speedway; and
 - c. Dallas, Texas and Shreveport, Louisiana.
5. Produce documents sufficient to show the Applicants' Plans Relating to their operations of or operations near interchange facilities or locations in or near to the following geographic areas, Including either Applicant's investments in infrastructure and capacity, traffic forecasts, density charts, capacity studies or reports, changes expected to result from the Proposed Transaction that would impact any Person's costs to provide rail service through interchange facilities or locations in the following geographic areas, and all studies, analyses, and reports regarding expected or potential impacts of the Proposed Transaction on rates and service for traffic moving through the interchange facilities or locations in the following geographic areas:
 - a. Chicago, Illinois;
 - b. Memphis, Tennessee;
 - c. St. Louis, Missouri;
 - d. New Orleans, Louisiana; and

- e. Kansas City, Missouri
6. Produce all studies, analyses, or presentations Relating to the impacts of the Proposed Transaction on the following entities and any future Plans Relating to the Applicants' ownership stake of, control of, or involvement or relationship with the following entities:
- a. Terminal Railroad Association of St. Louis;
 - b. TTX Company;
 - c. Ferrocarril Mexicano, S.A. de C.V. (a/ka "Ferromex");
 - d. Rail Pulse;
 - e. PTC-220, LLC; and
 - f. Meteorcomm, LLC
 - g. CSXT.
7. Produce all studies, analyses, or presentations from the past ten years created by the Applicants Relating to the 1997 I-5 Proportional Rate Agreement, including but not limited to any studies or analyses regarding competition in the geographic areas covered by the 1997 I-5 Proportional Rate Agreement after the agreement was entered into, any studies or analyses regarding Union Pacific's profits or losses on routes in the geographic areas covered by the 1997 I-5 Proportional Rate Agreement, and any studies or analyses regarding BNSF's compliance with the terms of the 1997 I-5 Proportional Rate Agreement.
8. Produce documents sufficient to show all rates for the past ten years Union Pacific received under the 1997 I-5 Proportional Rate Agreement.

9. Produce documents sufficient to show all rates for the past ten years Union Pacific was able to offer under the 1997 I-5 Proportional Rate Agreement, including rates that it was able to offer on behalf of BNSF or for traffic moving through BNSF interchange points.
10. Produce documents sufficient to show how all rates for the past ten years Union Pacific received under the 1997 I-5 Proportional Rate Agreement were developed, including supplements organized by commodity, customer, category, and year, and including all supplements not recorded to a specific customer.
11. Produce documents sufficient to show how all rates for the past ten years Union Pacific was able to offer under the 1997 I-5 Proportional Rate Agreement were developed, including rates that it was able to offer on behalf of BNSF or for traffic moving through BNSF interchange points, including supplements organized by commodity, customer, category, and year, and including all supplements not recorded to a specific customer.
12. Produce documents sufficient to show whether and how Union Pacific's experience with the 1997 I-5 Proportional Rate Agreement was used in developing the proposed Committed Gateway Pricing discussed in the Application, including documents sufficient to show why the terms of the proposed Committed Gateway Pricing differ from the terms of the 1997 I-5 Proportional Rate Agreement.
13. All documents relating to the creation or development of the "Committed Gateway Pricing" mechanism discussed in the Application.
14. All documents studying, analyzing, discussing, or otherwise Relating to the impacts of the Proposed Transaction on traffic that is currently, or may in the future be, interchanged through and between CSXT and the Applicants, including documents sufficient to show all current and future traffic that the Applicants have or may interchange with CSXT.

15. Produce documents sufficient to show any instance where either Applicant was accused of violating obligations imposed on them as a condition of prior mergers or acquisitions that the Applicants were involved in and resulted in litigation before the STB or before a state or federal court.
16. Produce documents sufficient to show any disputes through and between either of the Applicants and any other railroad Relating to the Applicant's operations of or operations at or in the ports of Virginia and near interchange facilities or locations that resulted in litigation before the STB or before a state or federal court.
17. Produce documents sufficient to show the Applicants' understanding of the term Enhanced Competition in the context of this proceeding and how that understanding impacts the Proposed Transaction.
18. Produce all documents You produce or have produced in the following proceedings, Including in any sub-dockets and related proceedings:
 - a. FD 36500 – CP/KCS
 - b. FD 36836 – Norfolk Southern's Norfolk & Portsmouth Belt Line Railroad Company ("NPBL") control application
 - c. FD 36522 – Norfolk Southern's NPBL declaratory order petition
 - d. FD 36223 – Norfolk Southern's NPBL trackage rights compensation petition
19. Produce all documents You produce or have produced in the lawsuit *CSX Transportation, Inc. v. Norfolk Southern Railway Company*, Case No. 2:18-cv-00530-MSD-RJK (E.D. Va.).

20. Produce, with respect to service and operations in and through Rockport, Indiana; Middletown, Ohio; Enon, Pennsylvania; Waynesburg, Pennsylvania; Brownsville, Pennsylvania; New Orleans, Louisiana; and Columbus, Ohio:
- a. all communications with shippers and other railroads regarding operations, dispatch, assignment of traffic to fulfill shipper requests, availability of equipment and crews, and potential infrastructure or other improvements or investments;
 - b. all documents reflecting or analyzing Norfolk Southern and CSXT movements of traffic or levels or service metrics thereof;
 - c. all documents reflecting or analyzing capacity, capacity utilization, effects of capacity and capacity utilization on Norfolk Southern and CSXT movements of traffic or competitiveness, and effects of potential capacity improvements on Norfolk Southern and CSXT movements of traffic or competitiveness;
 - d. documents sufficient to show the effect or value of Norfolk Southern dispatch or other operational control with respect to business and competitiveness.
21. Produce in machine-readable format information sufficient to show the following for all customer locations for Applicants from 2023 through 2024:
- a. Station SPLC code (that matches waybill);
 - b. Station name;
 - c. Customer Identification File (CIF) customer code;
 - d. Customer name (*i.e.* all consignee/receive and consignee/shipper);
 - e. Whether the Applicant directly connects to the customer at the given station/SPLC;

- f. Each station/customer where the Applicant is the only railroad that connects to the station/customer, if applicable;
 - g. Each station/customer where the Applicant connects to the customer where another Class I railroad connects, if applicable, including:
 - i. The name of the Class I railroad with whom the Applicant connects the customer;
 - ii. Whether the Applicant connects through a reciprocal switching arrangement, as well as:
 - 1. The switch cost and agreement and
 - 2. The terms and/or limitations of reciprocal switching arrangements, if applicable;
 - iii. The name of the Class I railroad(s) that connect through a reciprocal switching arrangement, as well as:
 - 1. The switch cost and agreement and
 - 2. The terms and/or limitations of reciprocal switching arrangements, if applicable;
 - h. Each station/customer where UP or NS connects to the customer only through a non-Class 1 railroad, as well as:
 - i. The non-Class I railroad name and
 - ii. Any other Class I railroads that connect to the non-class I railroad.
22. Produce in machine-readable format information sufficient to show any non-Class I railroad (*e.g.* short line or terminal railroad) or shipper-owned locomotive that has

interconnected with either Applicant and the following information about each such non-Class I railroad or shipper-owned locomotive:

- a. The name of the non-Class I railroad or shipper;
 - b. The alphabetical code of the non-Class I railroad;
 - c. The R260 junction, station name, and SPLC code for the connection between the non-Class I railroad or shipper and the Applicants;
 - d. All transportation, interchange, switching, other service agreements pricing tariff or other agreements, including but not limited to any rate and revenue division agreements; and
 - e. A table of miles reporting the miles for each movement between the non-Class I railroad's stations or shipper location and the Applicants' R260 junction.
23. Produce all Management Level Documents concerning strategy or Planning relating to fee discounts, refunds, incentives or other means of reducing a customer's total payments associated with bundling or otherwise providing service to multiple customer locations for all business line and commodity sectors.
24. Produce all rail transportation service agreements with each Applicant's fifty largest customers by revenue that were in effect from 2020 through the present, any Related drafts or prior proposals to those agreements, and any related Management Level Documents.
25. Produce documents sufficient to show any fee discounts, refunds, incentives or other means of reducing the customer total payments to each customer that is not incorporated in the net revenue or revenue field reported on the waybill, including information

sufficient to show the customer name and customer code for any such discount, refund, incentive, or other means of reducing the customer total payments.

26. Produce documents sufficient to show any fee discounts, refunds, incentives, or other means of reducing the customer total payments that accrued on the Applicants' financial reports, but was not disbursed to a customer.
27. Produce all Management Level Documents that show the Applicants' analyses of the competitiveness of single line movements vs. interline movements in all commodity sectors, including but not limited to cost-differences such as line haul, train blocking, storage, or other interchange-related costs, service quality differences, or any other differences between single line vs. interline movements.
28. Produce documents sufficient to show the Applicants' analyses of interchange alternatives in all commodity sectors, including but not limited to run through trains, steel wheel, only crew changes, trackage rights, haulage, including cost and operational impacts.
29. Produce all Management Level Documents discussing existing or potential alliances with other railroads for coordinating rail service of all commodities, including any analysis of costs or benefits from each alliance.

Respectfully submitted,

/s/ Eric P. Enson

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Attorneys for CSX Transportation, Inc.

Dated: January 7, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January, 2026, I have caused the foregoing CSX TRANSPORTATION, INC. FIRST SET OF DISCOVERY REQUESTS TO UNION PACIFIC RAILROAD CORPORATION, UNION PACIFIC RAILROAD COMPANY, NORFOLK SOUTHERN CORPORATION, AND NORFOLK SOUTHERN RAILWAY COMPANY to be served electronically or by first class mail on all parties of record in this proceeding.

/s/ Eric P. Enson

Eric P. Enson

Attorney for CSX Transportation, Inc.

EXHIBIT N

COVINGTON

BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
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Office of Chief Counsel
July 10, 2026
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Public Record

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July 10, 2026

Hon. Jenifer J. Soulikias
Administrative Law Judge
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**Re: Docket No. FD 36873, *Union Pacific Corp., et al.* –
*Control – Norfolk Southern Corp., et al.***

Dear Administrative Law Judge Soulikias and Counsel:

Pursuant to Decision No. 25, Applicants write to provide an update on their progress toward substantial completion of non-custodial document productions to all currently pending discovery requests.

As of the date of this letter, Applicants have received 353 discovery requests (including hundreds of subparts) from interested parties to this proceeding. The scope of documents, communications, information, and data sought by these discovery requests is unprecedented and far exceeds the needs of this proceeding. Nevertheless, Applicants have been working diligently to identify and produce materials responsive to these requests and to work collaboratively with the non-Applicant Class I railroads to resolve disputes over relevance, scope, and burden on a request-by-request basis.

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By end of day, Applicants will have produced more than 130,000 pages of documents and more than 1,600 GB of data in response to discovery requests. All of the materials in Applicants' productions to date have been identified through targeted collections, including from non-custodial locations. These rolling productions have been made on top of the detailed Amended Application and supporting workpapers filed on April 30, Applicants' first submission in response to Decision No. 21 filed on July 7, and various other data and documents submitted in response to the Board's requests, all of which the non-Applicant Class I railroads also received.

Union Pacific and Norfolk Southern provide the following updates on their respective efforts to produce non-custodial material in this proceeding.

Union Pacific's Update On Non-Custodial Productions

Union Pacific continues to search for, collect, and review documents stored in non-custodial locations that may be responsive to discovery requests in this proceeding, including requests filed by interested parties since the last discovery conference on June 26, 2026. Union Pacific's most recent production of non-custodial material (UP 010) will be served today. Union Pacific is on track to substantially complete production of documents stored in non-custodial locations in response to BNSF's second motion to compel by July 31, 2026.

The chart below summarizes the non-custodial material that Union Pacific has produced to date.

Production	Date	Description
UP 001	10/31/2025	• Merger Agreement Schedules • Reciprocal Switching Data (2019-2024) • Interchange and Haulage Data (2019-2024) • Interchange Commitment Agreements • Waivers of Interchange Commitments
UP 002	12/24/2025	• Car and Container Event Data (2019-2024) • Train Event Data (2019-2024) • Intermodal Train Schedules (2019-2024) • Employee Discipline Standards and Practices • Non-Merger Cooperative Program Materials
UP 003	12/24/2025	• Interchange Commitment Agreements • Waivers of Interchange Commitments • Trackage and Haulage Agreements
UP 004	1/9/2026	• Trackage and Haulage Agreements

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Production	Date	Description
UP 005	1/27/2026	• Merger Agreement Schedules
UP 006	1/29/2026	• Agreements Facilitating Service • Stakeholder Communication Materials • Non-Merger Cooperative Program Materials • Trackage and Haulage Agreements • Density Charts & Maps
UP 007	4/3/2026	• Agreements Facilitating Service • Stakeholder Communication Materials • Blocking Plan Compliance Materials • Train Schedules • Train Operations and Scheduling Adherence Materials • Interchange Performance Metrics • Trackage and Haulage Agreements
UP 008	5/15/2026	• Traffic Tapes (2025) • Reciprocal Switching Data (2025) • Interchange and Haulage Data (2025) • Organizational Charts • I-5 Rate Materials • Capacity Charts and Maps • Interchange Investment Materials • Interline Initiative Materials • Shipper Contracts w/ Volume Incentives Data • Train Performance Data (2023-2025) • Trip Plan Compliance Data (2023-2024) • Buffer Capacity Data (2019-2025) • Lease and Terminal Agreements • Labor Union Letters of Understanding

Production	Date	Description
UP 009	6/8/2026	• Car and Container Event Data (2025) • Train Event Data (2025) • Organizational Charts • Labor Union Letter of Understanding • Board Materials • Pre-Merger Capital Improvement Project Materials • Materials regarding Growth, Revenue, and Pricing Strategies; Volume and Revenue Forecasts; and Customer Wins and Losses • Integration Materials • Government Agency Submission • SIT Location Information • Dispatch Control Agreements
UP 010	7/10/2026	• Due Diligence Materials • TRRA Materials • Synergies & Financial Model Materials • Proposed Transaction Materials • Interline Initiative Materials • Merger Analysis Materials • Integration Materials • I-5 Rate Materials • Materials regarding Growth, Revenue, and Pricing Strategies; Volume and Revenue Forecasts; and Customer Wins and Losses

Norfolk Southern's Update On Non-Custodial Productions

Norfolk Southern continues to search for, collect, and review non-custodial material that may be responsive to outstanding discovery requests in this proceeding, including requests filed by interested parties since the last discovery conference on June 26, 2026. Norfolk Southern's most recent production of non-custodial material (NS PRODO11) will be served today. Norfolk Southern continues to review non-custodial sources, and is on track to substantially complete non-custodial document productions in response to BNSF's second motion to compel by July 31, 2026.

The chart below summarizes the non-custodial material that Norfolk Southern has produced to date.

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Production	Date	Description
NS PROD001	10/24/2025	Agreements containing interchange commitments
NS PROD002	11/12/2025	Agreements containing interchange commitments
NS PROD003	11/17/2025	Reciprocal switching data (2019–2024); trackage and haulage rights agreements in certain states; employee discipline standards and policies; capital budgets and forecasts
NS PROD004	12/3/2025	Density files and maps (2019–2024); agreement containing interchange commitment
NS PROD005	12/19/2025	System-wide car, container, and movement data and system-wide train event data (2019–2024)
NS PROD005B	12/19/2025	Agreements facilitating service between the existing networks of UP and NS; agreements related to entities, facilities, or equipment pools for which UP and NS both have governance rights or equity interests
NS PROD006	3/13/2026	Board materials related to the proposed transaction; template support letters and website screenshots; intermodal train schedules (2001 to present)
NS PROD007	5/15/2026	Material related to potential joint alliances with other railroads; data on blocking plan adherence (2023–2024); system-wide train plans and train schedules (2023–2024); planned and actual train operations (2023–2025); interchange performance metrics (2023–2024); buffer capacity (2023–2024); approved materials for third party outreach regarding the proposed transaction; documents related to lane rationalization initiative; documents related to Louisville interline initiative; materials related to interchange modifications or improvements; materials related to STB-ordered deal conditions; 2025 traffic tapes and reciprocal switching data
NS PROD008	5/22/2026	Contracts containing volume commitment incentives; joint facility agreement
NS PROD009	6/11/2026	Car event data (2019–2025)
NS PROD009A	6/11/2026	Contracts containing volume commitment incentives; custodial org charts; materials related to

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Production	Date	Description
		interchange modifications or improvements; material related to market share with other modes; material depicting business gained and lost (2019–2025); material depicting investments for customers to locate on the NS network (2019–2025); presentations related to strategies for growing rail traffic
NS PRODo10	6/25/2026	Material related to marketing Norfolk Intermodal Terminal and intermodal services; materials related to pre-merger projects referenced in amended application; documents related to Louisville interline initiative; materials for third party outreach regarding the proposed transaction; customer outreach trackers; contents of pre-merger due diligence site; materials related to growing intermodal traffic
NS PRODo10A	6/25/2026	Train event data (2025)
NS PRODo11	7/10/2026	Traffic forecasts (2019–2026); TRRA board materials; Actual transit time, original trip plan, and on-time performance metrics (2023–2024); blocking plan data (2023–2024); pre-merger due diligence trackers; BNSF agreements for traffic moving through Des Moines; density data (2025); data on T&E train starts (2023–2025); customer outreach tracker; custodial org charts; pricing and revenue presentations; GVP P&L reports

* * *

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Respectfully submitted,

/s/ Matthew J. Warren
Matthew J. Warren

/s/ William J. Mullins
William J. Mullins

*Attorneys for Norfolk Southern
Corporation and Norfolk Southern
Railway Company*

/s/ Laura Flahive Wu
Laura Flahive Wu

*Attorney for Union Pacific Corporation
and Union Pacific Railroad Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 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