

*Surface Transportation Board
Washington, D.C. 20423-0001
Office of Economics*

ENTERED
Office of Chief Counsel
August 21, 2026
Part of
Public Record

August 13, 2026

Re: Waybill Request WB26-26

I have approved the addition of the following individuals to the waybill access letter in WB26-26.

- a) Daniel T. Donovan, P.C. – Kirkland & Ellis LLP
- b) McClain Thompson – Kirkland & Ellis LLP
- c) Dan Goodwin – FTI Consultants
- d) Anika Rekulapelli – FTI Consultants

Prior payment of processing and mailing cost of **\$288** (\$72 per signature) is required and received.

Sincerely,

MARTIN
SCHLENKER

Digitally signed by
MARTIN SCHLENKER
Date: 2026.08.13
15:11:00 -04'00'

Martin Schlenker
Acting Director
Office of Economics

I have read and understand the conditions for release of the CCWS data. I agree to comply fully with these conditions and the provisions of this confidentiality agreement. No later than thirty days before the agreement expires, I will request an extension of this agreement, if necessary. If no extension is requested, I will return or destroy all CCWS data and certify that I have done so. I have the authority to sign this agreement.

By: Daniel T. Donovan, P.C.

/s/ Daniel T. Donovan

Signature

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By: McClain Thompson

/s/ McClain Thompson

Signature

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By: Dan Goodwin

Signature

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By: Anika Rekulapelli

Signature

Weil, Gotshal & Manges LLP

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Brian Liegel
Partner
+1 305 577 3180
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August 6, 2026

VIA E-MAIL

Director Martin Schlenker
Acting Director, Office of Economics
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423
waybill@stb.gov

Re: Request for Waybill Data, STB Docket No. FD 32760 (Sub-No. 52), BNSF Railway Company – Petition for Review – UP/SP Merger Conditions

Dear Director Schlenker:

On June 3, 2026, we submitted a request, on behalf of BNSF Railway Company (“BNSF”), that BNSF’s outside counsel and consultants in the above-referenced proceeding be granted permission to access the Confidential Carload Waybill Sample data (“CCWS”) with unmasked revenues for 1990 through 2024 and comparable data for 2025 when it becomes available. This request was granted on June 30, 2026. On July 9, 2026, we submitted an additional request to access the CCWS data. This request was granted on July 10, 2026. On July 29, 2026, we submitted an additional request to access the CCWS data. This request was granted on July 30, 2026.

Pursuant to 49 C.F.R. § 1244.9(b)(4), we respectfully request that the following additional consultants of BNSF in the above-referenced proceeding, none of whom is a regular employee of BNSF, be granted permission to access the confidential CCWS (including all records, all fields, and confidential unmasked revenues) for all traffic for 1990 through 2024, and comparable data for 2025 when it becomes available, for this proceeding:

Kirkland & Ellis LLP and its employees:

1. Daniel T. Donovan, P.C.
2. McClain Thompson

Director Martin Schlenker

August 6, 2026

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FTI Consulting and its employees:

1. Dan Goodwin
2. Anika Rekulapelli

The required fee of \$288.00 (\$72.00 per individual for 4 individuals) has been paid on pay.gov per 49 C.F.R. § 1002.2(f)(98)(i). Please contact me with any questions.

Respectfully submitted,

/s/ Brian G. Liegel

Brian G. Liegel
Attorney for BNSF Railway Company