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ENTERED
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Public Record
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September 1, 2026

Hon. Jenifer J. Soulikias
Administrative Law Judge
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

BNSF-49

*Re: STB Docket No. FD 36873 – Opposition to Applicants’ Motion to Set a Deadline
for BNSF’s Supplemental Discovery Responses (UP-95/NS-94)*

Dear Judge Soulikias:

BNSF agreed to supplement its responses and objections to Applicants’ first set of discovery requests. Applicants did not seek—and Your Honor did not order—a deadline by which BNSF needed to provide the supplement. Had Applicants reached out to BNSF or proposed a reasonable deadline for those supplements, BNSF would have agreed to one. Instead, Applicants never asked for a status update or proposed schedule, did not confer, and then filed a motion to set a deadline. BNSF has no issue supplementing its responses to Applicants’ first set of discovery requests next week and by no later than September 11.¹ Applicants’ motion should be denied as moot.

Respectfully,

/s/ Daniel T. Donovan
Daniel T. Donovan, P.C.

cc: Counsel of Record

¹ Applicants proposed September 4, the same date that Your Honor will hear the motion. Applicants offered no specific reason why September 4 is appropriate. There is none. The next time that Applicants will be heard on the merits is in February 2027—in six months.

CERTIFICATE OF SERVICE

I certify that I caused the foregoing to be served electronically or by first-class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, Applicants' representatives, Administrative Law Judge Jenifer Soulikias, and all parties of record in this proceeding.

/s/ Onika Williams

Attorney for BNSF Railway Company

September 1, 2026