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BY ELECTRONIC FILING**PUBLIC REDACTED VERSION**

Hon. Jenifer J. Soulikias
 Administrative Law Judge
 Surface Transportation Board
 395 E Street S.W.
 Washington, D.C. 20423-0001

Re: Finance Docket No. 36873, *Union Pac. Corp. – Control – Norfolk S. Corp.*

Dear Judge Soulikias:

CPKC has attempted to resolve its disputes with Applicants concerning CPKC's Second Set of Discovery Requests to Union Pacific and Third Set of Discovery Requests to Norfolk Southern (the "Requests"). Some points have been resolved, and discussion about other issues remains ongoing, but the parties have reached an impasse on four discrete issues:

1. UP should be ordered to produce an audio or video recording of its CEO's remarks made at the Southwest Association of Rail Shippers ("SWARS") 2026 Annual Meeting held from March 16-17 in Houston, TX, as well as any related notes or materials from that conference, or confirm that none exists. The Board has already recognized the relevance of Mr. Vena's SWARS statements, and admonished Applicants to "refrain from statements or conduct that could deter public participation," stating that it "will not tolerate retaliation." Decision No. 28 at 4 (STB Served July 22, 2026). As the Board's decision to address them directly evidences, Mr. Vena's comments at SWARS are relevant to this proceeding.

2. UP should be ordered to describe the basis for Kenny Rocker's July 9, 2026, public statement that customers who supported the Proposed Transaction allegedly faced "backlash" from BNSF and CPKC. Mr. Rocker and UP put that issue in the public record the same month that the Board addressed Mr. Vena's SWARS comments. Among other things, the absence of any basis for Mr. Rocker's statement—which CPKC categorically denies—bears directly on Mr. Rocker's credibility. UP is not justified in withholding information about—or refusing to acknowledge the lack of any basis for—this inflammatory allegation.

3. Applicants should be ordered to produce a targeted production of material relating to John Orr's departure from NS, including any ongoing agreements with Mr. Orr and any

communications with, or documents referencing involvement by, UP in Mr. Orr's departure. Mr. Orr is the former Chief Operating Officer of NS and is the co-author of the Operating Plan submitted by Applicants in this proceeding. If his departure had to do with disagreements about NS's operations (which his Verified Statement addresses) or the merits of the Proposed Transaction, the Board is entitled to know that.

4. Applicants should be required to produce drafts of regulatory effort provisions of the merger agreement exchanged between UP and NS. As the Board has already recognized, those provisions are "among the most material terms of the proposed merger agreement." Decision No. 9 at 8 (STB Served Jan. 16, 2026). The drafting history bears directly on evidence of NS's view on what commitments would be necessary to remedy the competitive harms that would result from the proposed merger. Exchanges of draft contracts are not privileged.

BACKGROUND

CPKC served the Requests on July 31, 2026. (Exs. A, B.) Applicants served Responses and Objections to the Requests for Production on August 7, 2026, and Responses and Objections to Interrogatories on August 14, 2026 (collectively, the "Responses"). (See Exs. C–F.) On August 17, 2026, CPKC sent follow-up questions about a number of discovery requests where disagreement existed. (Ex. G.) The parties met and conferred on August 24, 2026, and on September 1, 2026, CPKC sent a follow-up summarizing the issues that remained unresolved. (Ex. H.) CPKC requested a response from Applicants by September 4, 2026, but to date has received no further response. (Ex. H.)

Timely production of these materials is particularly relevant to upcoming depositions of Mr. Orr and Mr. Rocker, on dates to be determined, and Mr. Vena on October 20, 2026.

DISCUSSION

Vena Statements. CPKC seeks (in Request 43 to UP) documents "reflecting or memorializing any remarks, comments or presentations by Union Pacific CEO Jim Vena at conferences, industry events, shipper meetings, or closed-door meetings, including but not limited to remarks Vena made at the Southwest Association of Rail Shippers 2026 Annual Meeting held from March 16-17 in Houston, TX." (Ex. A at 14.) The Board has already recognized Mr. Vena's statements to this effect are relevant, and admonished Applicants to "refrain from statements or conduct that could deter public participation," stating that it "will not tolerate retaliation." Decision No. 28 at 4 (STB Served July 22, 2026). UP does not contest that Mr. Vena made such remarks—or deny that any documents exist memorializing the remarks—but nonetheless has steadfastly refused to produce responsive documents. (Ex. C at 32.) UP should be ordered to respond to this Request as it relates to the SWARS 2026 Annual Meeting.

Rocker Statement. CPKC seeks (in Interrogatory No. 8 to UP) the underlying factual bases for the accusation made by Kenny Rocker in a July 9 letter UP disseminated to customers alleging that "[s]everal [customers] have told [Rocker] directly that after voicing early support [for the Proposed Transaction], they faced real backlash from BNSF and CPKC railroads." (Ex. A at 7.) Notwithstanding the specificity of the allegation against CPKC and BNSF, UP has wholly refused to provide the factual bases underlying it or confirm that there is none.

(See Ex. D at 15.) Whether or not there is, in fact, any such basis for that accusation is relevant to, among other things, Mr. Rocker's credibility.

UP's primary objection is that, if identified, the "customers may be exposed to adverse consequences for reporting their experiences to Union Pacific." (Ex. D at 15.) UP has the ability to designate its response as Highly Confidential, thus prohibiting their dissemination to CPKC or BNSF personnel (or otherwise). More to the point, UP and Mr. Rocker chose to put this allegation into the public record—the same month that *the Board* raised questions about UP's intimidation of witnesses. UP cannot now hide behind confidentiality to avoid substantiating its public allegation that CPKC acted inappropriately on this important issue.

Orr Resignation Documents. CPKC seeks (in Request No. 36 to UP and Request No. 34 to NS) executive-level documents concerning "John Orr's resignation from his position at NS as Chief Operating Officer," which occurred on May 31, 2026. (Exs. A at 13; B at 11–12.) Mr. Orr has been NS's COO since 2024, and was one of the two co-authors of the Operating Plan that Applicants have submitted to the Board. Although Brian Barr has since "adopted" Mr. Orr's report, Mr. Barr testified he had { [REDACTED] } (See, e.g., Ex. I at 108–123.) The reasons for, and terms of, Mr. Orr's departure are relevant to, among other things, the adequacy of the Operating Plan he authored and how the combined company will perform and whether Mr. Orr has views inconsistent with the claims underlying Applicants' merger proposal.

Applicants have refused to produce any non-public documents in response to these Requests, citing three baseless objections. First, Applicants object on relevance grounds. But the Board is entitled to know of any dissenting views Mr. Orr might have about the Proposed Transaction, and what his role will be if the transaction is approved. Second, Applicants assert a burden objection that is entirely unsubstantiated—particularly given this narrow request in the context of overall discovery—and cannot justify their wholesale refusal to respond. See Decision No. 9 at 9 (STB Served Jan. 16, 2026) (rejecting privilege claim where "Applicants did not even make an attempt" to specify the basis for the claim). Finally, NS objects that the request "seeks confidential personnel information." But that is not a valid objection given the protective order already in place in this action, which stringently protects material designated as Highly Confidential. Applicants should be ordered to produce the requested documents.

Merger Agreement Drafts. CPKC seeks (in Request 13 to UP and Request 12 to NS) seek drafts of the Merger Agreement exchanged between Applicants. (Exs. A at 8; B at 7.) During the meet-and-confer process, CPKC agreed to narrow this request to drafts of "regulatory effort" provisions of the Merger Agreement exchanged between UP and NS, reflecting the obligations UP has to, for example, agree to certain conditions in order to secure STB approval. (Ex. G.) CPKC's narrowed request for drafts of regulatory efforts provisions is directly relevant to the Board's public interest analysis of the Proposed Transaction. In Section 5.8 of the Merger Agreement, UP promised NS that it would take specific actions to remediate the harmful effects of the merger—drafts of that section directly relate to the adequacy of those remedies and whether disagreement over adequate remedies emerged throughout negotiation.

The Board explicitly recognized the relevance of these provisions, rejecting the original Application in part because Applicants withheld Section 5.8 of the Company Disclosure

Schedules. *See* Decision No. 9 at 8–9 (STB Served Jan. 16, 2026). In doing so, the Board referenced commenters’ concerns that these materials are “among the most material terms of the proposed merger agreement” and “reflect [UP’s] bottom line” on regulatory conditions. *Id.* at 8. Drafts of the same provisions are, if anything, more probative than the final schedule because they show what efforts NS believed were appropriate notwithstanding the ultimate commercial compromises that led to the merger agreement. Drafts of the provisions exchanged between UP and NS, as opposing parties in a negotiation, are not privileged. *See id.* at 9 (noting “it is difficult to imagine a privilege claim that would apply” to “a merger agreement” that was “negotiated by counterparties to a transaction”); *see also United States v. McDonald*, 313 F.2d 832, 835 (2d Cir. 1963) (finding “no basis for a claim of privilege” where the client “necessarily contemplated divulging [closing statements and sales contracts] to other parties at the closing”); *Niagara Mohawk Power Corp. v Stone & Webster Eng’g Corp.*, 125 F.R.D. 578, 587 (N.D.N.Y. 1989) (“[W]ork product protection is waived when documents are voluntarily shared with an adversary.”).

CONCLUSION

For the reasons above, CPKC respectfully requests that Your Honor issue an order (1) directing UP to produce an audio or video recording of Vena’s remarks made at the SWARS 2026 Annual Meeting and all documents respecting those comments, (2) directing UP to describe the factual basis for the statement made by Kenny Rocker in the July 9, 2026 announcement, (3) directing Applicants to produce all executive-level documents concerning John Orr’s resignation, and (4) directing Applicants to produce drafts of regulatory effort provisions of the merger agreement exchanged between UP and NS. Timely production is needed in view of the upcoming deposition schedule.

Respectfully submitted,

/s/ Joseph J. Matelis
Joseph J. Matelis
Attorney for CPKC

cc: All Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that, on this 10th day of September 2026, a true and correct copy of the foregoing 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 J. Soulikias.

/s/ Noah P.M. Stern
Noah P.M. Stern

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**

CPKC’S SECOND SET OF DISCOVERY REQUESTS TO UNION PACIFIC

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 (collectively, “Union Pacific”) respond to the discovery requests contained herein in accordance with the timeline set forth in the Order Setting Discovery Guidelines, served on June 18, 2026 (Decision 24), which dictates that any objections are due in writing by August 7, 2026 and all Interrogatory responses are due by August 14, 2026, unless otherwise agreed to by the parties. Union Pacific is 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 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.

DEFINITIONS

Unless stated otherwise, CPKC incorporates by reference its Definitions and Instructions contained in CPKC's First Set of Discovery Requests to Union Pacific and Norfolk Southern, dated December 18, 2025.

1. "2-to-1 customer facilities" means those facilities that are currently served by 2 rail carriers that, in the event the Proposed Transaction is approved, will be served by 1 rail carrier. For the avoidance of doubt, this definition is meant to be commensurate with the definition of this term as it is used in the Application and the Revised Application.

2. "3-to-2 customer facilities" means those facilities that are currently served by three rail carriers that, in the event the Proposed Transaction is approved, will be served by 2 rail carriers. For the avoidance of doubt, this definition is meant to be commensurate with the definition of this term as it is used in the Application and the Revised Application.

3. "Application" means the Railroad Application submitted by Applicants on December 19, 2025 in this proceeding, including without limitation all Verified Statements, Exhibits, Workpapers, and other supporting materials.

4. "Bailey Supplemental Verified Statement" means the supplemental Verified Statement of Elizabeth M. Bailey, Ph.D. dated July 17, 2026 and filed in this proceeding on July 27, 2026.

5. "Class I Railroad" means railroad carriers that have annual carrier operating revenues that meet the threshold amount for Class I carriers as determined by the Surface Transportation Board under 49 C.F.R. § 1201.1-1.

6. “CN” means Grand Trunk Corporation and its parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

7. “Executive Level” means the applicable organization’s (a) the Board of Directors; (b) officers; (c) management personnel in the Operations, Marketing & Sales, and Strategic Planning areas at the level of Assistant Vice President and above; and/or (d) any predecessors or successors of the persons who currently hold each of the above positions listed in parts (a)-(c) above.

8. “Hunt Supplemental Verified Statement” means the supplemental Verified Statement of David T. Hunt dated July 20, 2026 and filed in this proceeding on July 27, 2026.

9. “NPS Surveys” means responses to customer satisfaction surveys that UP conducts, including as reflected in UP_0024378, at -391 and other previously produced documents.

10. “Oliver Wyman” means Oliver Wyman, LLC and any of its subsidiaries, affiliates, employees, agents, or owners.

11. “Revised Application” means the amended Railroad Application submitted by Applicants on April 30, 2026 in this proceeding, including without limitation all Verified Statements, Exhibits, Workpapers, and other supporting materials.

12. “STB Request PB-2 means the request labeled “[PB-2]” in the STB Decision served in this proceeding on May 26, 2026.

13. The “UP-CN Transaction Agreement” means the agreement between UP and CN “establishing a framework for CN to secure competitive access in connection with the proposed transaction between Union Pacific and Norfolk Southern,” and announced in the July 22, 2026

press release available at <https://www.up.com/press-releases/growth/up-cn-customer-opportunities-260722>, including any related commitments, arrangements, plans or undertakings between UP and CN, whether or not publicly disclosed.

14. The “UP-CN Mexico Agreement” means the agreement between UP and CN “to Improve North American Rail Connectivity,” and announced in the July 22, 2026 press release available at <https://www.up.com/press-releases/growth/up-cn-connectivity-260722>, including any related commitments, arrangements, plans or undertakings between UP and CN, whether or not publicly disclosed.

15. The “Wylie Option” means the time-limited option that The Kansas City Southern Railway Company granted to Norfolk Southern Railway Company as part of the May 2006 Dallas Terminal Marketing Agreement as amended to acquire the Wylie Intermodal Terminal.

16. “You” or “Your” means UP, as defined in CPKC’s First Set of Discovery Requests to Union Pacific and Norfolk Southern, dated December 18, 2025.

INTERROGATORIES

1. Identify and describe all plans, efforts, or initiatives that were approved, mandated, or coordinated at the Executive Level and taken by UP to convert traffic from truck to a UP rail service from 2020 to present, including which specific commodities were targeted, which regions were targeted, the identity of other rail carrier(s) that were involved if it was interline service, what steps UP took to convert the traffic, and what the result was of these efforts.

2. Identify each instance from 2020 to present in which UP lost business from a shipper that previously used UP rail services but chose to move from rail to truck because the rail service UP provided was interline as opposed to single line. For each such instance, Your

response should include the name of the shipper, the commodity or commodities no longer being shipped by rail, the route or routes for the rail service, the start date of the shipper's rail contract, the end date of the shipper's rail contract, the rate UP charged or offered to charge, and, to the extent known, the name of the truck carrier serving the shipper, to the extent known.

3. Identify each shipper that has stated to You that the reason they are using or would use truck services instead of a UP rail service is because the UP service involves interlining rather than single-line service. For each such shipper, Your response should include the name of the shipper, the approximate date of the communication, the commodity or commodities potentially being shipped, the rail route or routes that were being considered, and any quote for rail service UP provided the shipper in connection with that service.

4. Identify each shipper currently receiving or originating intermodal truck traffic in or from the counties listed below that You predict will divert intermodal truck traffic to rail service as a result of the Proposed Transaction. For each such shipper, Your response should include the name of the shipper, the estimated volume of traffic from that shipper that You predict will be diverted, and a description of the basis for Your diversion prediction for that shipper. For the avoidance of doubt, this interrogatory is seeking a response from officers and employees of UP, not Your experts providing testimony in this proceeding.

(a.)	{ { [REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED].}}

5. Identify the “deals” referenced in Jim Vena’s February 18, 2026 statement at the Barclays Annual Industrial Select Conference that, “We’ve tried to make deals with other railroads to see if you can move traffic in a much more seamless, [*sic*], but you’re talking about capital, what a railroad has to do and they’re not willing—nobody is willing to do that, especially if you don’t have a long-term commercial deal to do that. And it’s just never happened,” and describe in reasonable detail UP’s efforts to make those “deals” and the reasons why the deals were not made, and identify any documents corroborating those reasons.

6. Identify potential expenditures of \$5,000,000 or more that (1) the UP board of directors or any UP Executive Level employee considered but UP ultimately decided not to pursue and (2) relate to improving interline services with eastern carriers, and explain in reasonable detail why UP did not pursue each.

7. Identify all transactions since 1995 where UP transferred operation or ownership of a rail line to a third-party (for example, a branch line leased or conveyed to a short line), such that traffic originated by that line or destined to that line would be interchanged between UP and a third party. For each such transaction, Your response should describe:

- (a.) How and by what volumes, rates, and other material terms traffic is interchanged between UP and the new owner/operator of the rail line; and
- (b.) any benefits or adverse consequences caused by the transfer of operation or ownership, including the effect such transfer had on your ability to serve shippers on the line effectively, the reliability or timeliness of the

shipments to or from the shippers, and any effect on prices or volume of shipments across those lines.

8. Describe the bases for the statement made by Kenny Rocker in the July 9, 2026 announcement titled “Let’s Talk Facts: It Doesn’t Surprise Me the Opposition is Nervous” (UP Announcement Number CN2026-18) that “[s]everal [customers] have told me directly that after voicing early support [for the Proposed Transaction], they faced real backlash from BNSF and CPKC railroads,” including by identifying each customer who has allegedly faced “backlash,” the form that “backlash” allegedly took, and the approximate date on which that “backlash” allegedly occurred.

9. Explain in reasonable detail whether the initiatives described in the {{ [REDACTED] }} at UP_0038204 to -253 are being undertaken by UP prior to its acquiring control of NS, and, if not, why not.

10. With respect to Dr. Bailey’s Supplemental Verified Statement:

- (a.) Provide a list of all Documents which Dr. Bailey reviewed to determine which customer facilities should be included in her Exhibits 1 and 2 of her Supplemental Verified Statement, including whether she reviewed UP_0041664_HIGHLY CONFIDENTIAL.xlsx.
- (b.) Provide an explanation for why Dr. Bailey did not include additional 3-to-2 and 2-to-1 customer facilities identified by Applicants in their Documents.

11. Identify and describe all discussions between UP and NS concerning Norfolk Southern Railway Company’s exercise of the Wylie Options, including any discussions about the

Wylie Option, the Wylie Intermodal Terminal, or intermodal operations in the Dallas-Fort Worth area during the negotiation of the Merger Agreement.

12. Identify and describe Applicants' discussions or plans concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area in the event the Proposed Transaction is approved.

REQUESTS FOR PRODUCTION

13. Produce all drafts of the Merger Agreement or any part thereof exchanged between UP and NS.

14. Produce Documents sufficient to show the {{ [REDACTED] }} referenced at UP_0038593, including without limitation the components of that strategy, its purpose, how it was developed, and how UP views its effectiveness and limitations.

15. Produce all Documents reflecting, discussing, or analyzing the {{ [REDACTED] }} listed at UP_0038864 in connection with the {{ [REDACTED] }} including without limitation [REDACTED] and [REDACTED] }

16. Produce all Documents reflecting, discussing, or analyzing the [REDACTED] listed at UP_0038864 in connection with the [REDACTED] including without limitation [REDACTED] [REDACTED]

17. Produce UP Executive Level Documents sufficient to show the efforts You undertook (other than through the Proposed Transaction) to convert truck traffic to rail, including any analyses, studies or reports addressing the reasons such efforts succeeded or failed.

18. Produce Documents sufficient to show the [REDACTED] shown on UP_0038644 as scheduled to be completed at the end of {{ [REDACTED] [REDACTED] } under the heading [REDACTED] [REDACTED] }} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

19. Produce Documents sufficient to show the [REDACTED] shown on UP_0038644 as scheduled to be completed at the end of {{ [REDACTED] [REDACTED] } under the heading [REDACTED] [REDACTED] }} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

20. Produce Documents sufficient to show the [REDACTED] shown on UP_0038644 as scheduled to be completed during {{ [REDACTED] [REDACTED] } under the heading [REDACTED] [REDACTED] }} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

21. Produce Documents sufficient to show the [REDACTED] [REDACTED] }} shown on UP_0038644 as scheduled to be completed during {{ [REDACTED] [REDACTED] } under the heading [REDACTED] [REDACTED] }} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

22. Produce Documents sufficient to show the [REDACTED] shown on UP_0038644 as scheduled to be completed during [REDACTED] under the heading [REDACTED] } } If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

23. Produce Documents sufficient to show the [REDACTED] shown on UP_0038644 as scheduled to be completed during the [REDACTED] under the heading [REDACTED] } } If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

24. Produce Documents sufficient to show the [REDACTED] shown on UP_0038644 as scheduled to be completed at the end of [REDACTED] under the heading [REDACTED] } If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

25. For each shipper identified in response to Interrogatory Nos. 2, 3 or 4, produce Documents sufficient to support Your prediction or contention that the shipper would switch to Applicant's single-line service following the Proposed Transaction.

26. For each shipper identified in response to Interrogatory Nos. 2, 3 or 4, produce Communications to or from that shipper sufficient to show (a) the reasons the shipper currently uses truck transportation rather than rail or (b) the quality of UP's current interline service.

27. Produce all Documents Concerning how Applicants plan to achieve the truck-to-rail diversions predicted in the verified statement of David Hunt (including Hunt's Supplemental

Verified Statement), including any marketing plans Applicants have prepared, marketing assessments of the demand Applicants have asserted is newly made addressable by the Proposed Transaction, lists of target customers Applicants have identified, and capacity plans that are or will be put in place to meet the projected demand, and any assessments, separate from Hunt's diversion models, of the pricing, discounting, contract terms, marketing efforts, or other commercial actions that would be required to achieve the projected traffic diversions.

28. Produce Documents sufficient to show UP's analysis of truck-to-rail diversions for shippers or receivers in the following counties:

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29. Produce Documents sufficient to show Your studies, analyses or reports Concerning the net-benefits (or net-detriments) of each sale or transfer of the operation or ownership of any part of Your rail lines to a third party since 1995. Your response should include documents sufficient to determine whether You concluded that each such instance of dis-integration would promote efficiency and the reasons why it would or would not.

30. Produce Documents sufficient to show (a) the nature of the potential transaction involving UP and NS that was contemplated to implement a trackage rights agreement involving UP's operation on NS's Kansas City-Decatur, IL line, as reflected in the LinkedIn Post by John Friedmann dated June 2026, *available at* https://www.linkedin.com/posts/john-friedmann-16145b4_it-can-take-a-merger-for-a-rail-line-to-fulfill-activity-7473895908598849536-AleC?utm_source=share&utm_medium=member_desktop&rcm=ACoAAA6_uPwBBHkeApa4UtT_N9Dmw4ghO_McBPo; and (b) the reasons why that transaction was not successful.

31. Produce all Communications between UP and NS Concerning Norfolk Southern Railway Company's exercise of the Wylie Option, including all Communications exchanged about the Wylie Option, the Wylie Intermodal Terminal, or intermodal operations in the Dallas-Fort Worth area during the negotiation of the Merger Agreement.

32. Produce Documents sufficient to show Applicants' plans Concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area in the event the Proposed Transaction is approved.

33. Produce all Documents Concerning UP's discussions or plans for the use or acquisition of any property owned by Kansas City Southern Railway outside of the Wyle Intermodal Terminal.

34. Produce Documents sufficient to show the reasons for NS's decision in late 2025 or early 2026 to alter the manner in which it switches cars at Oakwood Yard in Detroit, Michigan, using trackage over which CPKC through trains operate via trackage rights.

35. Produce all Communications since July 28, 2025, in which NS sought UP's consent to take an action (or omit to act) in accordance with Section 5.1 of the Merger

Agreement or otherwise consulted with UP regarding potential changes to NS's operations to be implemented before the Board concludes its consideration of the Proposed Transaction.

36. Produce all UP Executive Level Documents Concerning John Orr's resignation from his position at NS as Chief Operating Officer, as reflected in the Form 8-K filed by NS with the SEC on May 31, 2026, including Concerning (i) any ongoing agreements with John Orr following his resignation and (ii) any request for approval of John Orr's resignation sent to or provided by UP pursuant to the Merger Agreement.

37. Produce the settlement agreement between UP and the National Railroad Passenger Corporation d/b/a Amtrak entered into in connection with STB Docket No. NOR 42175, including any associated exhibits or appendices.

38. Produce all Documents between UP and the National Railroad Passenger Corporation d/b/a Amtrak Concerning the Proposed Transaction.

39. Produce unredacted versions of all Documents submitted to the Board by UP in Board in Docket No. Ex Parte 772, including without limitation the documents filed with the Board on June 14, 2023 (redacted public versions of which are in the Board's electronic docket at "306735 Public.zip") and on November 27, 2023 (redacted public versions of which are in the Board's electronic docket at "307543_UP_STB_002_1_of_PUBLIC.zip;" "307543_UP_STB_002_2_of_PUBLIC.zip;" "307543_UP_STB_002_3_of_PUBLIC.zip;" and "307543_UP_STB_002_4_of_PUBLIC.zip.").

40. Produce Documents sufficient to show (a) UP's communications with customers regarding the "surcharges" reported in the Journal of Commerce article dated June 26, 2026 entitled "UP extends peak surcharges to all Southern California shippers;" (b) UP's decision-

making and rationale for establishing surcharges of the sort reported in that article; and (c) the functioning of the “weekly contractual allotments” referenced in the article.

41. Produce all NPS Surveys from 2019 to the present.

42. Produce all Documents Concerning the information identified by UP in response to Interrogatory No. 5 above.

43. Produce all Documents and Communications since July 28, 2025, including audio or video recordings, presentations, talking points or other records, reflecting or memorializing any remarks, comments or presentations by Union Pacific CEO Jim Vena at conferences, industry events, shipper meetings, or closed-door meetings, including but not limited to remarks Vena made at the Southwest Association of Rail Shippers 2026 Annual Meeting held from March 16-17 in Houston, TX. *See* Letter from Tammy Baldwin, U.S. Sen., to S.T.B. 1 (July 16, 2026).

44. Produce all UP Executive Level Documents discussing potential or actual railroad combinations that are located in, stored on, or accessible through the folders, sites, or repositories identified in UP_0039320, including the { [REDACTED] } [REDACTED] together with all relevant subfolders.

This Request includes but is not limited to the materials described in UP_0039320 as

[REDACTED]

[REDACTED]

Id. at 320.

45. Produce all UP Executive Level Documents concerning strategies, recommendations, or analyses intended to increase or improve intermodal car velocity { [REDACTED] }

[REDACTED] This Request includes but is not limited to the analysis referenced in UP_0041973, along with all attachments and related Communications.

46. Produce all UP Executive Level Documents concerning the decision to enter into the UP-CN Transaction Agreement, the negotiation of the UP-CN Transaction Agreement and the terms of the UP-CN Transaction Agreement.

47. Produce all UP Executive Level Documents concerning the decision to enter into the UP-CN Mexico Agreement, the negotiation of the UP-CN Mexico Agreement and the terms of the UP-CN Mexico Agreement.

48. Produce all UP Executive Level Documents concerning customers' requests for UP to expand Committed Gateway Pricing (CGP), as referenced in Jim Vena's comments during UP's July 23, 2026 Q2 Earnings Call.

49. Produce all Documents considered, reviewed, or relied upon in preparing the response to STB Request PB-2 concerning potential competitive responses by other railroads through joint services, haulage arrangements, trackage-rights arrangements, reciprocal switching, coordinated pricing or marketing, terminal or gateway arrangements, or other forms of commercial or operational cooperation that do not require a merger.

50. Produce all Documents prepared in the ordinary course of business that describe or apply the factors used by UP to assess, predict, or explain shipper choice, traffic shares, or traffic diversion:

- (a.) where two or more rail routes or rail carriers compete; or
- (b.) where rail service competes with truck service.

For the avoidance of doubt, this Request includes Documents addressing the effects of price, transit time, reliability, service frequency, capacity, route distance, interchange or gateway performance, customer-specific requirements, commodity characteristics, contractual

arrangements, origin or destination geography, and the availability or quality of competing service.

51. Produce all Documents considered, reviewed, or relied upon in developing or validating the assumptions used to estimate the effect of the hypothetical railroad combinations analyzed in Section 3 of the Hunt Supplemental Verified Statement, including:

- (a.) the assumptions assigning traffic shares of 50/50, 60/40, 40/60, 80/20, or 20/80;
- (b.) the mileage thresholds used to assign those shares;
- (c.) determinations as to whether a railroad does or could serve a particular origin, destination, terminal, plant, county, or lane;
- (d.) the selection of the “most likely” intermodal terminal or routing used for mileage comparisons; and
- (e.) any input, review, or validation provided by UP, NS, Oliver Wyman, or other railroad personnel or subject-matter experts.
- (f.) the decision not to analyze any potential combination involving CN.

52. Produce all Documents considered, reviewed, or relied upon for the assertion that the historical data and calibration used in the R2R (rail to rail diversions) and T2R (truck to rail diversions) models in the Hunt Supplemental Verified Statement fully account for foreseeable normal-course competitive responses by railroads and motor carriers to the introduction of new single-line rail service, including changes in price, transit time, reliability, service frequency, capacity, or other service characteristics.

53. Produce all Documents comparing the projected revenues and costs associated with the traffic projected in Hunt’s diversion analysis, including any assessment of whether that

traffic, or material categories of that traffic, would satisfy Applicants' applicable profitability, contribution, or return requirements.

54. Produce Documents sufficient to show the traffic density, volume, frequency, or other operating requirements used by UP in deciding whether to introduce, retain, modify, or discontinue a rail service in the ordinary course of business, including Documents sufficient to show any instances in which a service or transportation plan was modified or discontinued because those requirements were not met.

55. Produce all Documents considered, reviewed, or relied upon in developing or validating the assumptions and screening criteria used in Section 6 of the Hunt Supplemental Verified Statement, including the decision to assess viability at the Location² level rather than the Route level, the exclusion of low-volume locations, and the use of 20% and 30% volume-decline thresholds.

56. Produce all the tables cited in Exhibits MS1.16, MS1.17, and MS1.19 in the Hunt Supplemental Verified Statements, including the tabs "CFE to Chicago," "CFE from Chicago," and "CFE Summary," cited in the workpaper "MS1_Service Viability_vFinal.xlsx", and any formulas, source data, and other materials necessary to reproduce those Exhibits, or identify where those materials are located in the materials already produced.

57. Produce the workpapers, source data, formulas, assumptions, and other materials necessary to reproduce Exhibit MS1.18, or identify where those materials are located in the materials already produced.

² "Location" is defined in Mr. Hunt's Supplemental Verified Statement as "a yard, terminal, ramp or service area", but in his analysis he considers a Location to be an individual BEA/railroad combination for a specific service type. *See* Hunt Supplemental Verified Statement at 23 n.43, 25. For the avoidance of doubt, this Request assumes the later definition applies.

58. Produce the code, mapping tables, source data, and any other materials necessary to execute or reproduce the function “mkt_share.fn_SPLC_to_BE,” or identify where those materials are located in the materials already produced.

59. Produce the underlying raw data and source materials used to compile the passenger-delay data reported in “PR-3 STB Supplemental.xlsx,” including any intermediate files or calculations, or identify where those materials are located in the materials already produced.

60. With respect to Bailey’s Supplemental Verified Statement:

- (a.) Produce all Documents, including any drafts, reflecting the terms of the Access Commitments Dr. Bailey relies upon in her Supplemental Verified Statement.
- (b.) Produce Documents sufficient to identify the specific railroads proposed to provide access under the Access Commitments, for each 2-to-1 or 3-to-2 customer facility listed in Exhibits 1 and 2.
- (c.) Produce all Documents Dr. Bailey identified in response to Interrogatory No. 10.a.
- (d.) Produce Documents sufficient to show the complete methodology of how Dr. Bailey determined which customer facilities to include in her Exhibits 1 and 2 of her Supplemental Verified Statement.
- (e.) Produce all Documents in Applicants’ possession identifying 3-to-2 and 2-to-1 customer facilities, whether or not listed in Dr. Bailey’s Verified Statement or her Supplemental Verified Statement.

CANADIAN PACIFIC RAILWAY COMPANY

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**THE KANSAS CITY SOUTHERN RAILWAY
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Dated: July 31, 2026

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that, on this July 31, 2026, a true and correct copy of the foregoing CPKC's Second Set of Discovery Requests to Union Pacific 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.

Kiera S. Judge

Kiera S. Judge

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**

CPKC’S THIRD SET OF DISCOVERY REQUESTS TO NORFOLK SOUTHERN

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 Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, “Norfolk Southern”) respond to the discovery requests contained herein in accordance with the timeline set forth in the Order Setting Discovery Guidelines, served on June 18, 2026 (Decision 24), which dictates that any objections are due in writing by August 7, 2026 and all Interrogatory responses are due by August 14, 2026, unless otherwise agreed to by the parties. Norfolk Southern is 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 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.

DEFINITIONS

Unless stated otherwise, CPKC incorporates by reference its Definitions and Instructions contained in CPKC's First Set of Discovery Requests to Union Pacific and Norfolk Southern, dated December 18, 2025 and CPKC's Second Set of Discovery Requests to Norfolk Southern, dated June 8, 2026.

1. "2-to-1 customer facilities" means those facilities that are currently served by 2 rail carriers that, in the event the Proposed Transaction is approved, will be served by 1 rail carrier. For the avoidance of doubt, this definition is meant to be commensurate with the definition of this term as it is used in the Application and the Revised Application.

2. "3-to-2 customer facilities" means those facilities that are currently served by three rail carriers that, in the event the Proposed Transaction is approved, will be served by 2 rail carriers. For the avoidance of doubt, this definition is meant to be commensurate with the definition of this term as it is used in the Application and the Revised Application.

3. "Application" means the Railroad Application submitted by Applicants on December 19, 2025 in this proceeding, including without limitation all Verified Statements, Exhibits, Workpapers, and other supporting materials.

4. "Bailey Supplemental Verified Statement" means the supplemental Verified Statement of Elizabeth M. Bailey, Ph.D. dated July 17, 2026 and filed in this proceeding on July 27, 2026.

5. "Class I Railroad" means railroad carriers that have annual carrier operating revenues that meet the threshold amount for Class I carriers as determined by the Surface Transportation Board under 49 C.F.R. § 1201.1-1.

6. “CN” means Grand Trunk Corporation and its parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.

7. “Executive Level” means the applicable organization’s (a) the Board of Directors; (b) officers; (c) management personnel in the Operations, Marketing & Sales, and Strategic Planning areas at the level of Assistant Vice President and above; and/or (d) any predecessors or successors of the persons who currently hold each of the above positions listed in parts (a)-(c) above.

8. “Hunt Supplemental Verified Statement” means the supplemental Verified Statement of David T. Hunt dated July 20, 2026 and filed in this proceeding on July 27, 2026.

9. “Oliver Wyman” means Oliver Wyman, LLC and any of its subsidiaries, affiliates, employees, agents, or owners.

10. “Revised Application” means the amended Railroad Application submitted by Applicants on April 30, 2026 in this proceeding, including without limitation all Verified Statements, Exhibits, Workpapers, and other supporting materials.

11. “STB Request PB-2” means the request labeled “[PB-2]” in the STB Decision served in this proceeding on May 26, 2026.

12. The “Wylie Option” means the time-limited option that The Kansas City Southern Railway Company granted to Norfolk Southern Railway Company as part of the May 2006 Dallas Terminal Marketing Agreement as amended to acquire the Wylie Intermodal Terminal.

13. “You” or “Your” means NS, as defined in CPKC’s First Set of Discovery Requests to Union Pacific and Norfolk Southern, dated December 18, 2025.

INTERROGATORIES

1. Identify and describe all plans, efforts, or initiatives that were approved, mandated, or coordinated at the Executive Level and taken by NS to convert traffic from truck to an NS rail service from 2020 to present, including which specific commodities were targeted, which regions were targeted, the identity of other rail carrier(s) that were involved if it was interline service, what steps NS took to convert the traffic, and what the result was of these efforts.

2. Identify each instance from 2020 to present in which NS lost business from a shipper that previously used NS rail services but chose to move from rail to truck because the rail service NS provided was interline as opposed to single line. For each such instance, Your response should include the name of the shipper, the commodity or commodities no longer being shipped by rail, the route or routes for the rail service, the start date of the shipper's rail contract, the end date of the shipper's rail contract, the rate NS charged or offered to charge, and, to the extent known, the name of the truck carrier serving the shipper, to the extent known.

3. Identify each shipper that has stated to You that the reason they are using or would use truck services instead of a NS rail service is because the NS service involves interlining rather than single-line service. For each such shipper, Your response should include the name of the shipper, the approximate date of the communication, the commodity or commodities potentially being shipped, the rail route or routes that were being considered, and any quote for rail service NS provided the shipper in connection with that service.

4. Identify each shipper currently receiving or originating intermodal truck traffic in or from the counties listed below that You predict will divert intermodal truck traffic to rail service as a result of the Proposed Transaction. For each such shipper, Your response should include the name of the shipper, the estimated volume of traffic from that shipper that You

predict will be diverted, and a description of the basis for Your diversion prediction for that shipper. For the avoidance of doubt, this interrogatory is seeking a response from officers and employees of NS, not Your experts providing testimony in this proceeding.

- (a.) {{ [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED] [REDACTED]
- [REDACTED] [REDACTED]

5. Identify potential expenditures of \$5,000,000 or more that (1) the NS board of directors or any NS Executive Level employee considered but NS ultimately decided not to pursue and (2) relate to improving interline services with western carriers, and explain in reasonable detail why NS did not pursue each.

6. Identify all transactions since 1995 where NS transferred operation or ownership of a rail line to a third-party (for example, a branch line leased or conveyed to a short line), such that traffic originated by that line or destined to that line would be interchanged between NS and a third party. For each such transaction, Your response should describe:

- (a.) how and by what volumes, rates, and other material terms traffic is interchanged between NS and the new owner/operator of the rail line; and

- (b.) any benefits or adverse consequences caused by the transfer of operation or ownership, including the effect such transfer had on your ability to serve shippers on the line effectively, the reliability or timeliness of the shipments to or from the shippers, and any effect on prices or volume of shipments across those lines.

7. Describe in reasonable detail any voting agreements or similar arrangements between NS and CSX Concerning Conrail's shares in Indiana Harbor Belt Railroad are voted. Your response should include an explanation of how decisions are made in the event NS and CSX disagree about how Conrail's shares in Indiana Harbor Belt Railroad should be voted. Identify any documents relating to the agreements or arrangements you describe.

8. Describe in reasonable detail how NS would use or invest the \$2.5 billion termination fee potentially available under the Merger Agreement.

9. With respect to Dr. Bailey's Supplemental Verified Statement:

- (a.) Provide a list of all Documents which Dr. Bailey reviewed to determine which customer facilities should be included in her Exhibits 1 and 2 of her Supplemental Verified Statement, including whether she reviewed UP_0041664_HIGHLY CONFIDENTIAL.xlsx.
- (b.) Provide an explanation for why Dr. Bailey did not include additional 3-to-2 and 2-to-1 customer facilities identified by Applicants in their Documents.

10. Identify and describe all discussions between UP and NS Concerning Norfolk Southern Railway Company's exercise of the Wylie Options, including any discussions about the

Wylie Option, the Wylie Intermodal Terminal, or intermodal operations in the Dallas-Fort Worth area during the negotiation of the Merger Agreement.

11. Identify and describe Applicants' discussions or plans Concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area in the event the Proposed Transaction is approved.

REQUESTS FOR PRODUCTION

12. Produce all drafts of the Merger Agreement or any part thereof exchanged between UP and NS.

13. Produce all Documents reflecting, discussing, or analyzing the [REDACTED] [REDACTED] } listed at UP_0038864 in connection with the [REDACTED] [REDACTED] including without limitation [REDACTED] and [REDACTED] [REDACTED]

14. Produce all Documents reflecting, discussing, or analyzing the [REDACTED] [REDACTED] listed at UP_0038864 in connection with the [REDACTED] [REDACTED] including without limitation [REDACTED] [REDACTED]

15. Produce NS Executive Level Documents sufficient to show the efforts You undertook (other than through the Proposed Transaction) to convert truck traffic to rail, including any analyses, studies or reports addressing the reasons such efforts succeeded or failed.

16. Produce Documents sufficient to show the [REDACTED] shown on UP_0038644 as scheduled to be completed at the end of [REDACTED]

[REDACTED] } under the heading [REDACTED]
[REDACTED] } If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

17. Produce Documents sufficient to show the [REDACTED]
shown on UP_0038644 as scheduled to be completed at the end of [REDACTED]
[REDACTED] under the heading [REDACTED]
[REDACTED] If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

18. Produce Documents sufficient to show the [REDACTED]
shown on UP_0038644 as scheduled to be completed during [REDACTED]
under the heading [REDACTED]
[REDACTED] If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

19. Produce Documents sufficient to show the [REDACTED]
[REDACTED] shown on UP_0038644 as scheduled to be completed during [REDACTED]
[REDACTED] under the heading [REDACTED]
[REDACTED] If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

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shown on UP_0038644 as scheduled to be completed during [REDACTED]
under the heading [REDACTED]
[REDACTED] If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

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22. Produce Documents sufficient to show the [REDACTED] shown on UP_0038644 as scheduled to be completed at the end of [REDACTED] under the heading [REDACTED]

[REDACTED] If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

23. For each shipper identified in response to Interrogatory Nos. 2, 3 or 4, produce Documents sufficient to support Your prediction or contention that the shipper would switch to Applicant's single-line service following the Proposed Transaction.

24. For each shipper identified in response to Interrogatory Nos. 2, 3 or 4, produce Communications to or from that shipper sufficient to show (a) the reasons the shipper currently uses truck transportation rather than rail or (b) the quality of NS's current interline service.

25. Produce all Documents Concerning how Applicants plan to achieve the truck-to-rail diversions predicted in the verified statement of David Hunt, including any marketing plans Applicants have prepared, marketing assessments of the demand Applicants have asserted is newly made addressable by the Proposed Transaction, lists of target customers Applicants have identified, and capacity plans that are or will be put in place to meet the projected demand, and any assessments, separate from Hunt's diversion models, of the pricing, discounting, contract

terms, marketing efforts, or other commercial actions that would be required to achieve the projected traffic diversions.

26. Produce Documents sufficient to show NS's analysis of truck-to-rail diversions for shippers or receivers in the following counties:

- (a.) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

27. Produce Documents sufficient to show Your studies, analyses or reports Concerning the net-benefits (or net-detriments) of each sale or transfer of the operation or ownership of any part of Your rail lines to a third party since 1995. Your response should include documents sufficient to determine whether You concluded that each such instance of dis-integration would promote efficiency and the reasons why it would or would not.

28. Produce Documents sufficient to show (a) the nature of the potential transaction involving UP and NS that was contemplated to implement a trackage rights agreement involving UP's operation on NS's Kansas City-Decatur, IL line, as reflected in the LinkedIn Post by John Friedmann dated June 2026, *available at* <https://www.linkedin.com/posts/john-friedmann->

16145b4_it-can-take-a-merger-for-a-rail-line-to-fulfill-activity-7473895908598849536-

AleC?utm_source=share&utm_medium=member_desktop

&rcm=ACoAAA6_uPwBBHkeApa4UtT_N9Dmw4ghO_McBPo; and (b) the reasons why that transaction was not successful.

29. Produce all Communications between UP and NS Concerning Norfolk Southern Railway Company's exercise of the Wylie Option, including all Communications exchanged about the Wylie Option, the Wylie Intermodal Terminal, or intermodal operations in the Dallas-Fort Worth area during the negotiation of the Merger Agreement.

30. Produce Documents sufficient to show Applicants' plans Concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area in the event the Proposed Transaction is approved.

31. Produce all Documents Concerning NS's discussions or plans for the use or acquisition of any property owned by Kansas City Southern Railway outside of the Wyle Intermodal Terminal.

32. Produce Documents sufficient to show the reasons for NS's decision in late 2025 or early 2026 to alter the manner in which it switches cars at Oakwood Yard in Detroit, Michigan, using trackage over which CPKC through trains operate via trackage rights.

33. Produce all Communications since July 28, 2025, in which NS sought UP's consent to take an action (or omit to act) in accordance with Section 5.1 of the Merger Agreement or otherwise consulted with UP regarding potential changes to NS's operations to be implemented before the Board concludes its consideration of the Proposed Transaction.

34. Produce all NS Executive Level Documents Concerning John Orr's resignation from his position at NS as Chief Operating Officer, as reflected in the Form 8-K filed by NS with

the SEC on May 31, 2026, including Concerning (i) any ongoing agreements with John Orr following his resignation and (ii) any request for approval of John Orr's resignation sent to or provided by UP pursuant to the Merger Agreement.

35. Produce all Documents between NS and the National Railroad Passenger Corporation d/b/a Amtrak Concerning the Proposed Transaction.

36. Produce all documents identified by NS in response to Interrogatory No. 7 above.

37. Produce all Documents considered, reviewed, or relied upon in preparing the response to STB Request PB-2 Concerning potential competitive responses by other railroads through joint services, haulage arrangements, trackage-rights arrangements, reciprocal switching, coordinated pricing or marketing, terminal or gateway arrangements, or other forms of commercial or operational cooperation that do not require a merger.

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- (e.) any input, review, or validation provided by UP, NS, Oliver Wyman, or other railroad personnel or subject-matter experts.
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42. Produce Documents sufficient to show the traffic density, volume, frequency, or other operating requirements used by NS in deciding whether to introduce, retain, modify, or discontinue a rail service in the ordinary course of business, including Documents sufficient to show any instances in which a service or transportation plan was modified or discontinued because those requirements were not met.

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- (a.) Produce all Documents, including any drafts, reflecting the terms of the Access Commitments Dr. Bailey relies upon in her Supplemental Verified Statement.
- (b.) Produce Documents sufficient to identify the specific railroads proposed to provide access under the Access Commitments, for each 2-to-1 or 3-to-2 customer facility listed in Exhibits 1 and 2.
- (c.) Produce all Documents Dr. Bailey identified in response to Interrogatory No. 9.a.
- (d.) Produce Documents sufficient to show the complete methodology of how Dr. Bailey determined which customer facilities to include in her Exhibits 1 and 2 of her Supplemental Verified Statement.
- (e.) Produce all Documents in Applicants’ possession identifying 3-to-2 and 2-to-1 customer facilities, whether or not listed in Dr. Bailey’s Verified Statement or her Supplemental Verified Statement.

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Attorneys for CPKC

Dated: July 31, 2026

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that, on this July 31, 2026, a true and correct copy of the foregoing CPKC's Third Set of Discovery Requests to Norfolk Southern 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.

Kiera S. Judge

Kiera S. Judge

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

**UNION PACIFIC'S RESPONSES AND OBJECTIONS
TO CANADIAN PACIFIC KANSAS CITY'S
SECOND SET OF DISCOVERY REQUESTS TO UNION PACIFIC**

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DEREK LUDWIN
JAMES J. O'CONNELL
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Railroad Company*

August 7, 2026

Pursuant to 49 C.F.R. Part 1114 and other applicable rules and authority, Union Pacific Railroad Company and Union Pacific Corporation (collectively, “Union Pacific”), through undersigned counsel, respond to the Second Set of Discovery Requests served by 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”) on July 31, 2026 (“CPKC’s Requests,” “Discovery Requests,” or “Requests”). Pursuant to the Discovery Guidelines in this proceeding, Union Pacific will respond to the Interrogatories in the Requests by August 14, 2026. Union Pacific’s Responses and Objections to the Requests are based on Union Pacific’s present knowledge, information, and belief. Union Pacific reserves the right to supplement or amend these Responses and Objections at any time as circumstances may require.

Union Pacific notes that many of the Requests are duplicative or cumulative of discovery previously propounded by other parties in this proceeding, notwithstanding Administrative Law Judge Soulikias’s explicit instruction during the June 15, 2026 hearing that parties should refrain from serving duplicative or cumulative discovery requests. Nevertheless, and without waiving any objections, Union Pacific is committed to responding to each Request, with its responses as follows.

GENERAL RESPONSES

The following General Responses apply to each of CPKC’s Requests:

1. Union Pacific is conducting a reasonable search for information and documents responsive to CPKC’s Requests. Where Union Pacific states that it will

produce documents, Union Pacific will conduct a reasonable search for responsive, non-privileged documents, subject to the specific and general objections stated below.

2. Production of information or documents does not necessarily imply that the information or documents are relevant to or admissible in this proceeding and is not to be construed as waiving any of the general or specific objections stated below.

3. Union Pacific's responses and objections to these Requests are based on Union Pacific's present knowledge, information, and belief. Union Pacific reserves the right to rely upon facts, documents, or 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.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 13

Produce all drafts of the Merger Agreement or any part thereof exchanged between UP and NS.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that copies of the final Merger Agreement and related schedules are available for review in Volume 4 of the Amended Application, filed with the Surface Transportation Board on April 30, 2026.

To the extent this Request seeks “all drafts ... or any part thereof” of the Merger Agreement, Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Drafts of the Merger Agreement have no bearing on the parties’ ability to evaluate the fairness and public interest of the Proposed Transaction as contemplated in the final Merger Agreement. Union Pacific further objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 3rd Set, Request No. 1, BNSF 2nd Set, Request Nos. 32 and 33, CN 1st Set, Request No. 1, and other requests related to the Merger Agreement, disclosure schedules, amendments, drafts, redlines, and related transaction documents. Union Pacific further objects to this Request to the extent it seeks documents protected by the attorney-client

privilege, attorney work product doctrine, common interest privilege, or other applicable privilege.

REQUEST NO. 14

Produce Documents sufficient to show the {{ }} referenced at UP_0038593, including without limitation the components of that strategy, its purpose, how it was developed, and how UP views its effectiveness and limitations.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it will conduct a reasonable search for documents sufficient to show Union Pacific's plans to {{ }} as referenced at UP_0038593, and will produce non-privileged, responsive documents that it identifies on a rolling basis.

Union Pacific objects to this Request to the extent it mischaracterizes the contents of UP_0038593. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is vague, overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 15

Produce all Documents reflecting, discussing, or analyzing the {{ }} listed at UP_0038864 in connection with the {{ }} including without limitation {{ }} and {{ }}

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it is already conducting reasonable searches for documents regarding Union Pacific's integration planning, which include documents responsive to this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis. Union Pacific further responds that notes of the {{

}} referenced in UP_0038864, were produced at UP_0185984.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 2nd Set, Request No. 34. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 16

Produce all Documents reflecting, discussing, or analyzing the {{ }} listed at UP_0038864 in connection with the {{ }} including without limitation {{ }}
{{ }}

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it is already conducting reasonable searches for documents regarding Union Pacific's integration planning, which include documents responsive to this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis. Union Pacific further responds that notes of the {{

}} referenced in UP_0038864, were produced at UP_0094437. Union Pacific further directs CPKC to the large volume of documents regarding integration planning that Union Pacific has previously produced in response to discovery requests in this proceeding, including UP_0096365.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 2nd Set, Request No. 34. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 17

Produce UP Executive Level Documents sufficient to show the efforts You undertook (other than through the Proposed Transaction) to convert truck traffic to

rail, including any analyses, studies or reports addressing the reasons such efforts succeeded or failed.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it is already conducting reasonable searches for documents regarding Union Pacific's strategies for growing UP's rail traffic, which would include documents responsive to this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis, including thousands of documents that it has already produced in this proceeding. Union Pacific further directs CPKC to the Amended Application, filed with the Surface Transportation Board on April 30, 2026, and accompanying workpapers.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including CPKC 1st Set, Request Nos. 16, 17, 28, and 29, BNSF 2nd Set, Request Nos. 51, 58, and 59, BNSF 3rd Set, Request Nos. 25 and 32, and CSXT 2nd Set, Request Nos. 8, 10, and 14–18. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence including documents concerning undefined “efforts” to convert truck traffic to rail without reasonable limitation. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than

from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 18

Produce Documents sufficient to show the {{ }} shown on UP_0038644 as scheduled to be completed at the end of {{ }} under the heading {{ }} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it is already conducting reasonable searches for documents regarding Union Pacific's integration planning, which include documents responsive to this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis. Union Pacific further responds that it has already produced numerous documents showing {{ }} prepared as part of Union Pacific's integration planning, including UP_0089683, UP_0089347, UP_0089244, UP_0089322, UP_0089204, UP_0089180, UP_0089282, UP_0089447, UP_0089488, and UP_0096078.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 2nd Set, Request No. 34. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding,

and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 19

Produce Documents sufficient to show the {{
shown on UP_0038644 as scheduled to be completed at the end of {
}} under the heading {{

}} If the contemplated
output has not yet been completed, produce Documents sufficient to show the most recent version.

Union Pacific Response

Subject to and without waiving the below objections and its General
Objections, Union Pacific responds that it is already conducting reasonable searches for documents regarding Union Pacific's integration planning, which include documents responsive to this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis. Union Pacific further responds that it has already produced numerous documents showing {{
}} prepared as part of Union Pacific's integration planning, including UP_0090561, UP_0095924, UP_0093348, UP_0093307, UP_0096191, UP_0114478, UP_0093243, UP_0023684, UP_0093185, UP_0090448, UP_0077441, UP_0091056, UP_0139492, UP_0090355, UP_0093395, UP_0090733, UP_0091112, UP_0090995, UP_0093409, UP_0090163, UP_0089840, UP_0091077, UP_0091141, UP_0091153, UP_0091189, UP_0091275, UP_0089387, and UP_0089488.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 2nd Set, Request No. 34. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 20

Produce Documents sufficient to show the {{ }} shown on
UP_0038644 as scheduled to be completed during {{ }}
under the heading {{ }}
{{ }} If the contemplated output has not yet been
completed, produce Documents sufficient to show the most recent version.

Union Pacific Response

Subject to and without waiving the below objections and its General
Objections, Union Pacific responds that it is already conducting reasonable searches
for documents regarding Union Pacific's integration planning, which include
documents responsive to this Request, and is producing non-privileged, responsive
documents that it identifies on a rolling basis. Union Pacific further responds that it
has already produced numerous documents showing {{ }}
models prepared as part of Union Pacific's integration planning, including
UP_0089387, UP_0089244, UP_0090024, UP_0089322, UP_0089204, UP_0089180,
UP_0089282, UP_0089447, UP_0089488, UP_0096078, UP_0096053, UP_0090516,

UP_0090269, UP_0090024, UP_0090688, UP_0090613, UP_0090641, UP_0090366, and UP_0091141.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 2nd Set, Request No. 34. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 21

Produce Documents sufficient to show the {{
}} shown on UP_0038644 as scheduled to be completed during {{
}} under the heading {{
}} If the contemplated output has not
yet been completed, produce Documents sufficient to show the most recent version.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to the searches and productions referenced in Union Pacific's response to Request 20.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 2nd Set, Request No. 34. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding,

and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 22

Produce Documents sufficient to show the {{ }} shown on
UP_0038644 as scheduled to be completed during {{ }}
under the heading {{ }}
{{ }} If the contemplated output has not yet been completed,
produce Documents sufficient to show the most recent version.

Union Pacific Response

Subject to and without waiving the below objections and its General
Objections, Union Pacific responds that it is already conducting reasonable searches for documents regarding Union Pacific's integration planning, which include documents responsive to this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis, including UP_0094734. Union Pacific further responds that the identification of {{ }} occurred in the context of developing the {{ }} prepared as part of Union Pacific's integration planning, *see* UP_0089347 at 349, and Union Pacific is producing documents regarding these models as explained in response to Requests 18 and 20.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 2nd Set, Request No. 34. Union Pacific further objects to this Request because it is

overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 23

Produce Documents sufficient to show the {{ }} shown on
UP_0038644 as scheduled to be completed during the {{ }}
under the heading {{
}} If the contemplated output has not yet been completed, produce
Documents sufficient to show the most recent version.

Union Pacific Response

Subject to and without waiving the below objections and its General
Objections, Union Pacific responds that it is already conducting reasonable searches
for documents regarding Union Pacific's integration planning, which include
documents responsive to this Request, and is producing non-privileged, responsive
documents that it identifies on a rolling basis. Union Pacific further responds that
{{ }} see UP_0096520 at
530, and Union Pacific has previously produced responsive data from {{
}} including UP_0077313.

Union Pacific objects to this Request as duplicative and cumulative of other
discovery requests served on Union Pacific in this proceeding, including BNSF 2nd
Set, Request No. 34. Union Pacific further objects to this Request because it is
overly broad, unduly burdensome, disproportionate to the needs of this proceeding,

and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 24

Produce Documents sufficient to show the {{ }} shown on UP_0038644 as scheduled to be completed at the end of {{ }} under the heading {{ }}

}} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it is already conducting reasonable searches for documents regarding Union Pacific's integration planning, which include documents responsive to this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis. Union Pacific further responds that it has previously produced documents responsive to this request, including UP_0023467.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including BNSF 2nd Set, Request No. 34. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to

the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 25

For each shipper identified in response to Interrogatory Nos. 2, 3 or 4, produce Documents sufficient to support Your prediction or contention that the shipper would switch to Applicant's single-line service following the Proposed Transaction.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to documents produced at UP_0082686 to UP_0082695, which contain information about potential customer opportunities.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 26

For each shipper identified in response to Interrogatory Nos. 2, 3 or 4, produce Communications to or from that shipper sufficient to show (a) the reasons the shipper currently uses truck transportation rather than rail or (b) the quality of UP's current interline service.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to documents produced at UP_0082686 to UP_0082695, which contain information about potential customer opportunities.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 27

Produce all Documents Concerning how Applicants plan to achieve the truck-to-rail diversions predicted in the verified statement of David Hunt (including Hunt's Supplemental Verified Statement), including any marketing plans Applicants have prepared, marketing assessments of the demand Applicants have asserted is newly

made addressable by the Proposed Transaction, lists of target customers Applicants have identified, and capacity plans that are or will be put in place to meet the projected demand, and any assessments, separate from Hunt's diversion models, of the pricing, discounting, contract terms, marketing efforts, or other commercial actions that would be required to achieve the projected traffic diversions.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to documents produced at UP_0082686 to UP_0082695, which contain information about potential customer opportunities.

Union Pacific objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including CPKC 1st Set, Request Nos. 16, 17, 28, and 29, BNSF 2nd Set, Request Nos. 7, 35, 51, 55, 58, and 59, BNSF 3rd Set, Request Nos. 14, 25, 32, and 33, BNSF 4th Set, Request No. 7, CSXT 2nd Set, Request Nos. 8, 9, 10, and 14–18. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including because it seeks “all Documents Concerning” broad categories of commercial, marketing, pricing, customer, capacity, and integration planning materials without reasonable limitation. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further

objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 28

Produce Documents sufficient to show UP's analysis of truck-to-rail diversions for shippers or receivers in the following counties:

a. {{

}}

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to the Verified Statement of David T. Hunt, the traffic diversion study, and associated workpapers in the Amended Application filed with the Surface Transportation Board on April 30, 2026.

Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific,

including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 29

Produce Documents sufficient to show Your studies, analyses or reports Concerning the net-benefits (or net-detriments) of each sale or transfer of the operation or ownership of any part of Your rail lines to a third party since 1995. Your response should include documents sufficient to determine whether You concluded that each such instance of dis-integration would promote efficiency and the reasons why it would or would not.

Union Pacific Response

Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific specifically objects to the requested time period beginning in 1995 as facially overbroad and not proportional to the needs of this proceeding. Union Pacific also objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the

Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 30

Produce Documents sufficient to show (a) the nature of the potential transaction involving UP and NS that was contemplated to implement a trackage rights agreement involving UP's operation on NS's Kansas City-Decatur, IL line, as reflected in the LinkedIn Post by John Friedmann dated June 2026, available at https://www.linkedin.com/posts/john-friedmann-16145b4_it-can-take-a-merger-for-a-rail-line-to-fulfill-activity-7473895908598849536-AleC?utm_source=share&utm_medium=member_desktop&rcm=ACoAAA6_uPwBBHkeApa4UtT_N9Dmw4ghO_McBPo; and (b) the reasons why that transaction was not successful.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that copies of the trackage rights agreement that Union Pacific negotiated with Norfolk Southern regarding Norfolk Southern's Kansas City-Springfield, IL line, were previously produced at UP_0020579 and UP_0021056. Union Pacific further responds that it will conduct a reasonable search for documents sufficient to show the reasons why Union Pacific determined it was infeasible to use these trackage rights, and will produce non-privileged, responsive documents that it identifies on a rolling basis.

Union Pacific objects to this Request to the extent it mischaracterizes the contents of the referenced LinkedIn post, which speaks for itself. Union Pacific objects to this Request as seeking materials not in Union Pacific's possession, custody or control. Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the

discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 31

Produce all Communications between UP and NS Concerning Norfolk Southern Railway Company's exercise of the Wylie Option, including all Communications exchanged about the Wylie Option, the Wylie Intermodal Terminal, or intermodal operations in the Dallas-Fort Worth area during the negotiation of the Merger Agreement.

Union Pacific Response

Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to the Request as vague and potentially overbroad because it does not define Wylie Intermodal Terminal. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 32

Produce Documents sufficient to show Applicants' plans Concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area in the event the Proposed Transaction is approved.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to the Amended Application, filed with the Surface Transportation Board on April 30, 2026, and accompanying workpapers.

Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to the Request as vague and potentially overbroad because it does not define Wylie Intermodal Terminal. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 33

Produce all Documents Concerning UP's discussions or plans for the use or acquisition of any property owned by Kansas City Southern Railway outside of the Wyle [*sic*] Intermodal Terminal.

Union Pacific Response

Union Pacific objects to this Request on relevance grounds because the Request seeks documents concerning Union Pacific's discussions or plans regarding properties owned by Kansas City Southern Railway outside the Wylie Intermodal Terminal, which are unrelated to the Proposed Transaction. CPKC has not explained how documents concerning Union Pacific's interest in or plans for such properties are relevant to any issue in this proceeding. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to the Request as vague and potentially overbroad because it does not define Wylie Intermodal Terminal.

REQUEST NO. 34

Produce Documents sufficient to show the reasons for NS's decision in late 2025 or early 2026 to alter the manner in which it switches cars at Oakwood Yard in

Detroit, Michigan, using trackage over which CPKC through trains operate via trackage rights.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to Norfolk Southern's response to Request No. 32 in CPKC's Third Set of Discovery Requests to Norfolk Southern.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to this Request because it seeks information not in Union Pacific's possession, custody or control. Union Pacific further objects to the Request as overly broad and unduly burdensome to the extent it asks Union Pacific to respond to a request on behalf of NS, is based on a document produced by NS, and requests information that is not in Union Pacific's possession, custody or control.

REQUEST NO. 35

Produce all Communications since July 28, 2025, in which NS sought UP's consent to take an action (or omit to act) in accordance with Section 5.1 of the Merger Agreement or otherwise consulted with UP regarding potential changes to NS's operations to be implemented before the Board concludes its consideration of the Proposed Transaction.

Union Pacific Response

Union Pacific objects to this Request because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Requests for consent in accordance with Section 5.1 of the Merger Agreement have no bearing on the parties' ability to evaluate the fairness and public interest of the Proposed Transaction. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, and disproportionate to the needs of this proceeding.

REQUEST NO. 36

Produce all UP Executive Level Documents Concerning John Orr's resignation from his position at NS as Chief Operating Officer, as reflected in the Form 8-K filed by NS with the SEC on May 31, 2026, including Concerning (i) any ongoing agreements with John Orr following his resignation and (ii) any request for approval of John Orr's resignation sent to or provided by UP pursuant to the Merger Agreement.

Union Pacific Response

Union Pacific objects to this Request because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The requested documents have no bearing on the parties' ability to evaluate the fairness and public interest of the Proposed Transaction. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, and

disproportionate to the needs of this proceeding. Union Pacific further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege.

REQUEST NO. 37

Produce the settlement agreement between UP and the National Railroad Passenger Corporation d/b/a Amtrak entered into in connection with STB Docket No. NOR 42175, including any associated exhibits or appendices.

Union Pacific Response

Union Pacific objects to this Request because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The requested settlement agreement between Union Pacific and Amtrak has no bearing on the parties' ability to evaluate the fairness and public interest of the Proposed Transaction. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, and disproportionate to the needs of this proceeding.

REQUEST NO. 38

Produce all Documents between UP and the National Railroad Passenger Corporation d/b/a Amtrak Concerning the Proposed Transaction.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it will conduct a reasonable search for documents exchanged between Union Pacific and Amtrak concerning the Proposed

Transaction, and will produce non-privileged, responsive documents that it identifies on a rolling basis.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, including because it seeks “all Documents” between Union Pacific and Amtrak “Concerning” the Proposed Transaction without reasonable limitation as to document type, subject matter, or custodian. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 39

Produce unredacted versions of all Documents submitted to the Board by UP in Docket No. Ex Parte 772, including without limitation the documents filed with the Board on June 14, 2023 (redacted public versions of which are in the Board’s electronic docket at “306735 Public.zip”) and on November 27, 2023 (redacted public versions of which are in the Board’s electronic docket at “307543_UP_STB_002_1_of_PUBLIC.zip;” “307543_UP_STB_002_2_of_PUBLIC.zip;” “307543_UP_STB_002_3_of_PUBLIC.zip;” and “307543_UP_STB_002_4_of_PUBLIC.zip”).

Union Pacific Response

Union Pacific objects to this Request because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The requested documents have no bearing on the parties' ability to evaluate the fairness and public interest of the Proposed Transaction. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, and disproportionate to the needs of this proceeding.

REQUEST NO. 40

Produce Documents sufficient to show (a) UP's communications with customers regarding the "surcharges" reported in the Journal of Commerce article dated June 26, 2026 entitled "UP extends peak surcharges to all Southern California shippers;" (b) UP's decision-making and rationale for establishing surcharges of the sort reported in that article; and (c) the functioning of the "weekly contractual allotments" referenced in the article.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it will conduct a reasonable search for documents in response to this Request, and will produce non-privileged, responsive documents that it identifies on a rolling basis to the extent such materials can be collected and produced without undue burden.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is

neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 41

Produce all NPS Surveys from 2019 to the present.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it will conduct a reasonable search for NPS Surveys from 2019 to April 30, 2026, and will produce non-privileged, responsive documents that it identifies on a rolling basis.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less

burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 42

Produce all Documents Concerning the information identified by UP in response to Interrogatory No. 5 above.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it will produce any documents referenced in Union Pacific's response to Interrogatory No. 5, which will be served on August 14, 2026.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 43

Produce all Documents and Communications since July 28, 2025, including audio or video recordings, presentations, talking points or other records, reflecting or memorializing any remarks, comments or presentations by Union Pacific CEO Jim Vena at conferences, industry events, shipper meetings, or closed-door meetings, including but not limited to remarks Vena made at the Southwest Association of Rail Shippers 2026 Annual Meeting held from March 16-17 in Houston, TX. *See* Letter from Tammy Baldwin, U.S. Sen., to S.T.B. 1 (July 16, 2026).

Union Pacific Response

Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The Request seeks “all Documents and Communications” reflecting “any remarks, comments or presentations” by Union Pacific’s CEO at “conferences, industry events, shipper meetings, or closed-door meetings” over a period of more than one year, without any limitation to specific topics relevant to this proceeding. Union Pacific further objects to the Request because it would impose an unreasonable burden to locate, review, and produce the requested audio or video recordings. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 44

Produce all UP Executive Level Documents discussing potential or actual railroad combinations that are located in, stored on, or accessible through the folders, sites, or repositories identified in UP_0039320, including the {{
}}
together with all relevant subfolders. This Request includes but is not limited to the materials described in UP_0039320 as {{
}}

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it is already conducting reasonable searches for UP Executive Level Documents discussing potential or actual railroad combinations between UP, BNSF, CSX, or NS, or other transcontinental mergers, including in the locations referenced in this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent it requests “all” UP Executive Level Documents and to the extent it requests documents discussing potential or actual railroad combinations not similar to the nature of the Proposed Transaction. Union Pacific also objects to “accessible through” as vague and undefined.

REQUEST NO. 45

Produce all UP Executive Level Documents concerning strategies, recommendations, or analyses intended to increase or improve intermodal car velocity {{ }} This Request includes but is not limited to the analysis referenced in UP_0041973, along with all attachments and related Communications.

Union Pacific Response

CPKC has not explained how documents concerning Union Pacific's decisions regarding {{ }} are relevant to any issue in this proceeding.

Union Pacific is willing to meet and confer with CPKC regarding the scope and relevance of this Request.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, Union Pacific objects to this Request on relevance grounds because the Request seeks documents concerning Union Pacific's internal intermodal operations and strategies that are unrelated to the Proposed Transaction. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific.

REQUEST NO. 46

Produce all UP Executive Level Documents concerning the decision to enter into the UP-CN Transaction Agreement, the negotiation of the UP-CN Transaction Agreement and the terms of the UP-CN Transaction Agreement.

Union Pacific Response

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities, including the settlement privilege. *See Canadian Nat'l Ry. Co., Grand Trunk Corp., & Grand Trunk W. R.R. Inc.-Control-Illinois Cent. Corp., Illinois Cent. R.R. Co., Chicago, Cent. & Pac. R.R. Co., & Cedar River R.R. Co.*, No. 33556, 1998 WL 721112, at *1 (Oct. 15, 1998) (“We also agree . . . , absent compelling circumstances, the settlement privilege that has been recognized in our precedents would bar discovery, by opposing parties, of confidential material related to the negotiation of the [settlement] agreements.”). Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 47

Produce all UP Executive Level Documents concerning the decision to enter into the UP-CN Mexico Agreement, the negotiation of the UP-CN Mexico Agreement and the terms of the UP-CN Mexico Agreement.

Union Pacific Response

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product

doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, Union Pacific objects to this Request on relevance grounds because the Request seeks documents concerning the UP-CN Mexico Agreement, which is unrelated to the Proposed Transaction. CPKC has not explained how documents concerning Union Pacific's negotiations or agreements with CN regarding Mexico operations are relevant to any issue in this proceeding.

REQUEST NO. 48

Produce all UP Executive Level Documents concerning customers' requests for UP to expand Committed Gateway Pricing (CGP), as referenced in Jim Vena's comments during UP's July 23, 2026 Q2 Earnings Call.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific will conduct a reasonable search for UP Executive Level Documents containing customer requests responsive to this Request and will produce non-privileged, responsive documents it identifies on a rolling basis.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible

evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 49

Produce all Documents considered, reviewed, or relied upon in preparing the response to STB Request PB-2 concerning potential competitive responses by other railroads through joint services, haulage arrangements, trackage-rights arrangements, reciprocal switching, coordinated pricing or marketing, terminal or gateway arrangements, or other forms of commercial or operational cooperation that do not require a merger.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to Union Pacific's Response to Decision No. 13, the Hunt Supplemental Verified Statement, and the associated workpapers filed with the Surface Transportation Board, which reference and cite the documents relied upon in preparing the response to the Surface Transportation Board's Request PB-2.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities, including counsel's selection or review of documents in preparing Applicants' response to STB Request PB-2. Union Pacific specifically objects to this Request on attorney work-product

grounds because it seeks documents prepared in anticipation of litigation or for this regulatory proceeding. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, including because it seeks “all Documents considered, reviewed, or relied upon” without reasonable limitation. Union Pacific further objects to this Request as duplicative and cumulative of STB Request PB-2, and any other request related to “competitive responses by other railroads.” Union Pacific further objects to this Request to the extent it seeks documents or information related to the position or perspective of other railroads, which are not in Union Pacific’s possession, custody, or control.

Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 50

Produce all Documents prepared in the ordinary course of business that describe or apply the factors used by UP to assess, predict, or explain shipper choice, traffic shares, or traffic diversion:

- a. where two or more rail routes or rail carriers compete; or
- b. where rail service competes with truck service. For the avoidance of doubt, this Request includes Documents addressing the effects of price, transit time, reliability, service frequency, capacity, route distance, interchange or gateway performance, customer-specific requirements, commodity characteristics, contractual arrangements, origin or destination geography, and the availability or quality of competing service.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it is already conducting reasonable searches for documents regarding Union Pacific's strategies for growing UP's rail traffic, which would include documents responsive to this Request, and is producing non-privileged, responsive documents that it identifies on a rolling basis, including the documents it has produced regarding competitive landscape (e.g., UP_0104719), business development (e.g., UP_0208085, UP_0215368), and strategic initiatives (e.g., UP_0214760).

Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 51

Produce all Documents considered, reviewed, or relied upon in developing or validating the assumptions used to estimate the effect of the hypothetical railroad combinations analyzed in Section 3 of the Hunt Supplemental Verified Statement, including:

- a. the assumptions assigning traffic shares of 50/50, 60/40, 40/60, 80/20, or 20/80;
- b. the mileage thresholds used to assign those shares;
- c. determinations as to whether a railroad does or could serve a particular origin, destination, terminal, plant, county, or lane;
- d. the selection of the “most likely” intermodal terminal or routing used for mileage comparisons; and
- e. any input, review, or validation provided by UP, NS, Oliver Wyman, or other railroad personnel or subject-matter experts.
- f. the decision not to analyze any potential combination involving CN.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to the Applicants’ Second Response to Decision 21, the Hunt Supplemental Verified Statement, and the Hunt Supplemental Workpapers filed with the Surface Transportation Board on July 27, 2026.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, including because it seeks “all Documents considered, reviewed, or relied upon” without reasonable limitation. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from

other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 52

Produce all Documents considered, reviewed, or relied upon for the assertion that the historical data and calibration used in the R2R (rail to rail diversions) and T2R (truck to rail diversions) models in the Hunt Supplemental Verified Statement fully account for foreseeable normal-course competitive responses by railroads and motor carriers to the introduction of new single-line rail service, including changes in price, transit time, reliability, service frequency, capacity, or other service characteristics.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to the Applicants' Second Response to Decision 21, the Hunt Supplemental Verified Statement, and the Hunt Supplemental Workpapers filed with the Surface Transportation Board on July 27, 2026.

Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, including because it seeks "all Documents considered, reviewed, or relied upon" without reasonable limitation. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific,

including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 53

Produce all Documents comparing the projected revenues and costs associated with the traffic projected in Hunt's diversion analysis, including any assessment of whether that traffic, or material categories of that traffic, would satisfy Applicants' applicable profitability, contribution, or return requirements.

Union Pacific Response

Union Pacific objects to this Request as vague and ambiguous. The Request seeks documents "comparing" projected revenues and costs, but does not specify what baseline, benchmark, or alternative scenario the comparison is to be made against, rendering the Request unclear. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 54

Produce Documents sufficient to show the traffic density, volume, frequency, or other operating requirements used by UP in deciding whether to introduce, retain, modify, or discontinue a rail service in the ordinary course of business, including

Documents sufficient to show any instances in which a service or transportation plan was modified or discontinued because those requirements were not met.

Union Pacific Response

Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

REQUEST NO. 55

Produce all Documents considered, reviewed, or relied upon in developing or validating the assumptions and screening criteria used in Section 6 of the Hunt Supplemental Verified Statement, including the decision to assess viability at the Location level rather than the Route level, the exclusion of low-volume locations, and the use of 20% and 30% volume-decline thresholds.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to the Applicants' Second Response to Decision 21, the Hunt Supplemental Verified Statement, and the Hunt

Supplemental Workpapers filed with the Surface Transportation Board on July 27, 2026.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, including because it seeks “all Documents considered, reviewed, or relied upon” without reasonable limitation. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding.

REQUEST NO. 56

Produce all the tables cited in Exhibits MS1.16, MS1.17, and MS1.19 in the Hunt Supplemental Verified Statements, including the tabs “CFE to Chicago,” “CFE from Chicago,” and “CFE Summary,” cited in the workpaper “MS1_Service Viability_vFinal.xlsx”, and any formulas, source data, and other materials necessary to reproduce those Exhibits, or identify where those materials are located in the materials already produced.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific will address this Request in a forthcoming filing with the Surface Transportation Board.

REQUEST NO. 57

Produce the workpapers, source data, formulas, assumptions, and other materials necessary to reproduce Exhibit MS1.18, or identify where those materials are located in the materials already produced.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific will address this Request in a forthcoming filing with the Surface Transportation Board.

REQUEST NO. 58

Produce the code, mapping tables, source data, and any other materials necessary to execute or reproduce the function “mkt_share.fn_SPLC_to_BEA,” or identify where those materials are located in the materials already produced.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific will address this Request in a forthcoming filing with the Surface Transportation Board.

REQUEST NO. 59

Produce the underlying raw data and source materials used to compile the passenger-delay data reported in “PR-3 STB Supplemental.xlsx,” including any intermediate files or calculations, or identify where those materials are located in the materials already produced.

Union Pacific Response

Union Pacific objects to this Request because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of

admissible evidence. Union Pacific is willing to meet and confer with CPKC regarding the scope and relevance of this Request.

REQUEST NO. 60

With respect to Bailey's Supplemental Verified Statement:

- a. Produce all Documents, including any drafts, reflecting the terms of the Access Commitments Dr. Bailey relies upon in her Supplemental Verified Statement.
- b. Produce Documents sufficient to identify the specific railroads proposed to provide access under the Access Commitments, for each 2-to-1 or 3-to-2 customer facility listed in Exhibits 1 and 2.
- c. Produce all Documents Dr. Bailey identified in response to Interrogatory No. 10.a.
- d. Produce Documents sufficient to show the complete methodology of how Dr. Bailey determined which customer facilities to include in her Exhibits 1 and 2 of her Supplemental Verified Statement.
- e. Produce all Documents in Applicants' possession identifying 3-to-2 and 2-to-1 customer facilities, whether or not listed in Dr. Bailey's Verified Statement or her Supplemental Verified Statement.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to the Applicants' Second Response to Decision 21, the Bailey Supplemental Verified Statement, and the Bailey Supplemental Workpapers filed with the Surface Transportation Board on July 27, 2026. Union Pacific further responds that it is conducting reasonable searches for documents regarding projected impacts of the proposed transaction, and is producing responsive, non-privileged documents on a rolling basis.

Union Pacific objects to this Request to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Request as overly broad, unduly burdensome, and disproportionate to

the needs of this proceeding to the extent it seeks “all drafts” relied on in the preparation of the Bailey Supplemental Verified Statement. Union Pacific further objects to this Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the materials filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding, including because it seeks Documents identifying customer facilities as specified in subpart e without regard to whether such facility was listed in Dr. Bailey’s Verified Statement or Supplemental Verified Statement. Union Pacific further objects to the extent this Request seeks Documents related to an Interrogatory for which Union Pacific has not yet responded and is not required to answer until after the deadline to respond to Requests for Production in CPKC’s Third Set of Discovery Requests. Union Pacific reserves all objections to Interrogatory No. 10 (a) and to any request for documents purportedly identified in response to that Interrogatory.

GENERAL OBJECTIONS

Union Pacific incorporates by reference the General Responses and Objections contained in Union Pacific’s Responses and Objections to CPKC’s First Set of Discovery Requests to Applicants. Those General Responses and Objections are to be considered objections to each of the specific discovery requests that follow herein. Union Pacific’s Responses and Objections to these Requests are based on

Union Pacific's present knowledge, information, and belief. Union Pacific's Objections shall not waive or prejudice any objections that it may later assert. Additionally:

1. Union Pacific objects to Definition No. 6 in CPKC's Second Set defining "CN" to the extent it is overly broad, unduly burdensome, and seeks to impose obligations broader than those imposed by 49 C.F.R. Part 1114. Union Pacific specifically objects to Definition No. 6 to the extent it requires knowledge of CN's "parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures" that Union Pacific does not possess.

2. Union Pacific objects to Definition No. 13 in CPKC's Second Set defining the "UP-CN Transaction Agreement" to the extent it purports to include "any related commitments, arrangements, plans or undertakings between UP and CN, whether or not publicly disclosed." This definition is overly broad, vague, and seeks information beyond the specific agreement announced in the July 22, 2026 press release. Union Pacific will interpret this definition to refer only to the publicly announced agreement establishing a framework for CN to secure competitive access in connection with the Proposed Transaction.

3. Union Pacific objects to Definition No. 14 in CPKC's Second Set defining the "UP-CN Mexico Agreement" to the extent it purports to include "any related commitments, arrangements, plans or undertakings between UP and CN, whether or not publicly disclosed." This definition is overly broad, vague, and seeks

information beyond the specific agreement announced in the July 22, 2026 press release. Union Pacific will interpret this definition to refer only to the publicly announced agreement to improve North American rail connectivity.

4. Union Pacific objects to CPKC's incorporation by reference of the Definitions and Instructions contained in CPKC's First Set of Discovery Requests to Union Pacific and Norfolk Southern, dated December 18, 2025, to the extent those Definitions and Instructions are overly broad, unduly burdensome, seek to impose obligations broader than those imposed by 49 C.F.R. Part 1114, Subpart B, or are otherwise objectionable. As noted above, Union Pacific incorporates by reference its objections to those Definitions and Instructions as set forth in Union Pacific's Responses to CPKC's First Set of Discovery Requests.

5. Except as more specifically objected to above, where Union Pacific agrees to undertake searches for responsive documents or information in response to these Requests, Union Pacific will only search for and provide documents or information from January 1, 2019 through April 30, 2026.

Respectfully submitted,

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August 7, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 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/ Charlotte R. Krovoza

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

**UNION PACIFIC'S RESPONSES AND OBJECTIONS
TO INTERROGATORIES IN CANADIAN PACIFIC KANSAS CITY'S
SECOND SET OF DISCOVERY REQUESTS TO UNION PACIFIC**

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August 14, 2026

Pursuant to 49 C.F.R. Part 1114 and other applicable rules and authority, Union Pacific Railroad Company and Union Pacific Corporation (collectively, “Union Pacific”), through undersigned counsel, respond to the Second Set of Discovery Requests served by 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”) on July 31, 2026 (“CPKC’s Requests,” “Discovery Requests,” or “Requests”). Union Pacific responded to the document requests on August 7, 2026. Union Pacific’s responses and objections to the Requests are based on Union Pacific’s present knowledge, information, and belief. Union Pacific reserves the right to supplement or amend these Responses and Objections at any time as circumstances may require.

Union Pacific notes that many of the Requests are duplicative or cumulative of discovery previously propounded by other parties in this proceeding, notwithstanding Administrative Law Judge Soulikias’s explicit instruction during the June 15, 2026 hearing that parties should refrain from serving duplicative or cumulative discovery requests. Nevertheless, and without waiving any objections, Union Pacific is committed to responding to each Request, with its responses as follows.

GENERAL RESPONSES

The following General Responses apply to each of CPKC’s Requests:

1. Union Pacific is conducting a reasonable search for information and documents responsive to CPKC’s Requests. Where Union Pacific states that it will

produce documents, Union Pacific will conduct a reasonable search for responsive, non-privileged documents, subject to the specific and general objections stated below.

2. Production of information or documents does not necessarily imply that the information or documents are relevant to or admissible in this proceeding and is not to be construed as waiving any of the general or specific objections stated below.

3. Union Pacific's responses and objections to these Requests are based on Union Pacific's present knowledge, information, and belief. Union Pacific reserves the right to rely upon facts, documents, or 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.

INTERROGATORIES

INTERROGATORY NO. 1

Identify and describe all plans, efforts, or initiatives that were approved, mandated, or coordinated at the Executive Level and taken by UP to convert traffic from truck to a UP rail service from 2020 to present, including which specific commodities were targeted, which regions were targeted, the identity of other rail carrier(s) that were involved if it was interline service, what steps UP took to convert the traffic, and what the result was of these efforts.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that "plans, efforts, or initiatives that were approved, mandated, or coordinated at the Executive Level and taken by UP to convert traffic from truck to a UP rail service from 2020 to present" are contained in the thousands of documents that Union Pacific has already produced regarding Union Pacific's strategies for growing UP's rail traffic, including UP_0496637,

UP_0498811, UP_0505720, UP_0507473, UP_0531519, UP_0520983, and UP_0623417. Union Pacific also directs CPKC to Union Pacific's ongoing production of custodial documents, which may include documents responsive to this request.

Union Pacific objects to this Request because it is vague, overly broad, unduly burdensome, disproportionate to the needs of this proceeding, seeks information that is not reasonably calculated to lead to the discovery of admissible evidence, and is duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including CPKC 1st Set, Request Nos. 16 and 28, BNSF 2nd Set, Request Nos. 51, 58, and 59, BNSF 3rd Set, Request Nos. 25 and 32, and CSXT 2nd Set, Request No. 10. Union Pacific objects to the phrase "plans, efforts, or initiatives," as overbroad, vague, and ambiguous because it requires Union Pacific to identify all traffic diversion "plans, efforts, or initiatives" without reasonable limitation. Union Pacific further objects to this Interrogatory to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the Amended Application and accompanying workpapers filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information. Union Pacific also objects

to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege.

INTERROGATORY NO. 2

Identify each instance from 2020 to present in which UP lost business from a shipper that previously used UP rail services but chose to move from rail to truck because the rail service UP provided was interline as opposed to single line. For each such instance, Your response should include the name of the shipper, the commodity or commodities no longer being shipped by rail, the route or routes for the rail service, the start date of the shipper's rail contract, the end date of the shipper's rail contract, the rate UP charged or offered to charge, and, to the extent known, the name of the truck carrier serving the shipper, to the extent known.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it does not know with certainty, or in all instances, whether particular customers that previously used Union Pacific rail service ultimately chose another mode of transportation other than rail for any particular movement. *See* Response to Interrogatory No. 2, Union Pacific's Responses and Objections to CSXT's 2nd Set of Discovery Requests. Union Pacific further responds that it does not know with certainty or in all instances whether particular customers chose another mode of transportation other than rail because Union Pacific's rail service was interline rather than single-line. Union Pacific directs CPKC to Applicants' previously produced traffic tapes and combined waybill data, as well as UP_0110789, which may contain information regarding possible competition for lost business. Union Pacific also directs CPKC to Union Pacific's

ongoing production of custodial documents, which may include documents responsive to this request.

Union Pacific objects to this Request as unduly burdensome and duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including CSXT 2nd Set, Request Nos. 11–13 and Interrogatory Nos. 1–2, and BNSF 2nd Set, Request No. 58. Union Pacific objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. Union Pacific also objects to this Interrogatory as vague and ambiguous, including in its use of the phrases “lost business,” “previously used UP rail services,” “chose to move from rail to truck,” and “because the rail service UP provided was interline as opposed to single line.” Union Pacific further objects to this Interrogatory to the extent it assumes that Union Pacific knows or can determine, for any particular movement, the reasons why a shipper selected truck service instead of rail service or the identity of the truck carrier serving the shipper. Union Pacific further objects to this Interrogatory to the extent it seeks commercially sensitive customer, contract, pricing, or rate information. Union Pacific further objects to this Interrogatory to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the Amended Application and accompanying workpapers filed with the Surface Transportation Board, or the prior

document productions which are accessible to CPKC through the proceeding. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 3

Identify each shipper that has stated to You that the reason they are using or would use truck services instead of a UP rail service is because the UP service involves interlining rather than single-line service. For each such shipper, Your response should include the name of the shipper, the approximate date of the communication, the commodity or commodities potentially being shipped, the rail route or routes that were being considered, and any quote for rail service UP provided the shipper in connection with that service.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it does not maintain records that would allow it to identify with certainty, or in all instances, each shipper that has stated that the reason they are using or would use truck services instead of Union Pacific rail service is because the Union Pacific service involves interlining rather than single-line service. *See* Response to Interrogatory No. 2, Union Pacific's Responses and Objections to CSXT's 2nd Set of Discovery Requests. Union Pacific directs CPKC to Applicants' previously produced traffic tapes and combined waybill data, as well as UP_0110789, which may contain information regarding possible competition for lost business. Union Pacific also directs CPKC to Union Pacific's ongoing production of custodial documents, which may include documents responsive to this request.

Union Pacific objects to this Request as unduly burdensome and duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including CSXT 2nd Set, Request Nos. 11–13 and Interrogatory Nos. 1–2, and BNSF 2nd Set, Request No. 58. Union Pacific objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. Union Pacific also objects to this Interrogatory as vague and ambiguous, including in its use of the phrase “stated to You.” Union Pacific further objects to this Interrogatory to the extent it assumes that Union Pacific knows or can determine, for any particular communication, whether a shipper stated the reasons for its transportation decisions or the content of any such statement. Union Pacific further objects to this Interrogatory to the extent it seeks commercially sensitive customer, contract, pricing, or rate information, including quotes for rail service. Union Pacific further objects to this Interrogatory to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the Amended Application and accompanying workpapers filed with the Surface Transportation Board, or the prior document productions which are accessible to CPKC through the proceeding. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the

regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 4

Identify each shipper currently receiving or originating intermodal truck traffic in or from the counties listed below that You predict will divert intermodal truck traffic to rail service as a result of the Proposed Transaction. For each such shipper, Your response should include the name of the shipper, the estimated volume of traffic from that shipper that You predict will be diverted, and a description of the basis for Your diversion prediction for that shipper. For the avoidance of doubt, this interrogatory is seeking a response from officers and employees of UP, not Your experts providing testimony in this proceeding.

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Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that as part of its efforts to assess potential revenue synergy opportunities, including truck-to-rail diversions, Union Pacific has identified customer-specific opportunities as shown in documents that Union Pacific has previously produced. *See* UP_0082686 to UP_0082695. Union Pacific also directs CPKC to Union Pacific's ongoing production of custodial documents, which may include documents responsive to this request.

Union Pacific objects to this Interrogatory as unduly burdensome as well as vague and ambiguous, including in its use of the term "predict" and "prediction."

Union Pacific objects to this Request as unduly burdensome and duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding, including requests seeking information, documents, and communications related to truck-to-rail diversions. Union Pacific objects to this Interrogatory to the extent it seeks commercially sensitive customer, contract, pricing, or rate information, including quotes for rail service. Union Pacific further objects to this Interrogatory to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the Amended Application and accompanying workpapers filed with the Surface Transportation Board, or the prior document productions which are accessible to CPKC through the proceeding. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information. Union Pacific further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege.

INTERROGATORY NO. 5

Identify the “deals” referenced in Jim Vena’s February 18, 2026 statement at the Barclays Annual Industrial Select Conference that, “We’ve tried to make deals with other railroads to see if you can move traffic in a much more seamless, [sic], but you’re talking about capital, what a railroad has to do and they’re not willing—nobody is willing to do that, especially if you don’t have a long-term commercial deal to do that. And it’s just never happened,” and describe in reasonable detail UP’s

efforts to make those “deals” and the reasons why the deals were not made, and identify any documents corroborating those reasons.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that in the referenced statement, Mr. Vena is describing the general limitations and factors that prevent these deals from coming to fruition. Union Pacific directs CPKC to the Amended Application filed with the Surface Transportation Board on April 30, 2026, including the Verified Statement of Kenny Rocker and Ed Elkins, which describes the inherent limits of joint alliances and similar agreements, and documents previously produced in UP 014, which contain information regarding Union Pacific’s interline arrangements and efforts. .

Union Pacific objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. Union Pacific further objects to this Interrogatory to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the Amended Application and accompanying workpapers filed with the Surface Transportation Board, or the prior document productions which are accessible to CPKC through the proceeding. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of

business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 6

Identify potential expenditures of \$5,000,000 or more that (1) the UP board of directors or any UP Executive Level employee considered but UP ultimately decided not to pursue and (2) relate to improving interline services with eastern carriers, and explain in reasonable detail why UP did not pursue each.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that it will conduct a reasonable search for information in response to this Interrogatory, and will provide non-privileged, responsive information it identifies to the extent such information can be identified without undue burden.

Union Pacific objects to this Interrogatory as vague and ambiguous, including in its use of the terms “potential expenditures” and “relating to improving interline services with eastern carriers.” Union Pacific objects to this Interrogatory because it is overly broad, unduly burdensome, disproportionate to the needs of this proceeding, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Union Pacific objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. Union Pacific further objects to this Interrogatory to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more

convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the Amended Application and accompanying workpapers filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 7

Identify all transactions since 1995 where UP transferred operation or ownership of a rail line to a third-party (for example, a branch line leased or conveyed to a short line), such that traffic originated by that line or destined to that line would be interchanged between UP and a third party. For each such transaction, Your response should describe:

- a. How and by what volumes, rates, and other material terms traffic is interchanged between UP and the new owner/operator of the rail line; and
- b. any benefits or adverse consequences caused by the transfer of operation or ownership, including the effect such transfer had on your ability to serve shippers on the line effectively, the reliability or timeliness of the shipments to or from the shippers, and any effect on prices or volume of shipments across those lines.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to its list of joint facilities and joint use arrangements produced in response to STB Decision No. 3, which identifies the transfer of operation rights to third-parties. Union Pacific also directs CPKC to the list of interchange commitments produced in response to STB Decision No. 3, and the agreements produced in response to CN 1st Set, Request No. 6. Union Pacific further directs CPKC to the traffic and operating data Union Pacific has produced,

including the 100% traffic tapes and the interchange volume data produced in response to CN 1st Set, Request No. 5, and CN 2nd Set, Request No. 14.

Union Pacific objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. Union Pacific further objects to this Interrogatory to the extent it requests information related to all responsive transactions for a period of more than thirty years. Union Pacific objects to the undefined term “transactions” as vague and ambiguous. Union Pacific further objects to this Interrogatory as vague and ambiguous, including in its use of the terms “how and by what volumes, rates, and other material terms traffic is interchanged” and “benefits or adverse consequences.” Union Pacific further objects to this Request to the extent it seeks narrative descriptions, analyses, or reconstructions of historical transactions, alleged benefits or adverse consequences, service impacts, reliability or timeliness effects, pricing effects, or volume effects over a period of more than thirty years, without reasonable limitation. Union Pacific further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. Union Pacific further objects to this Request as duplicative and cumulative of other discovery requests served on Union Pacific in this proceeding. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 8

Describe the bases for the statement made by Kenny Rocker in the July 9, 2026 announcement titled “Let’s Talk Facts: It Doesn’t Surprise Me the Opposition is Nervous” (UP Announcement Number CN2026-18) that “[s]everal [customers] have told me directly that after voicing early support [for the Proposed Transaction], they faced real backlash from BNSF and CPKC railroads,” including by identifying each customer who has allegedly faced “backlash,” the form that “backlash” allegedly took, and the approximate date on which that “backlash” allegedly occurred.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that customers that have facilities on multiple Class I railroads have reported to Union Pacific that they are remaining silent on the merger due to concerns about retaliation elsewhere, including from BNSF and CPKC. Several customers who have supported the Proposed Transaction have reported facing backlash from BNSF or CPKC in the form of BNSF or CPKC employees pressuring those customers to not support the Proposed Transaction, including by indicating that BNSF or CPKC might provide less favorable treatment to those customers or might take adverse action with respect to future business arrangements with those customers. The referenced backlash occurred after the customers revealed their support for the Proposed Transaction and before Mr. Rocker’s July 9, 2026, statement referenced in this Interrogatory. Union Pacific is deeply concerned that by identifying the specific customers who have reported facing backlash, or by providing other information regarding their experiences that will be sufficient to identify them, those customers may be exposed to adverse consequences for reporting their experiences to Union Pacific.

Union Pacific objects to this Interrogatory as unduly burdensome and seeking information that is not reasonably calculated to lead to the discovery of admissible evidence, including to the extent it seeks the identity of the customers that have faced backlash and reported the backlash to Union Pacific or additional contextual information that could be used to identify those customers. The identity of these customers has no bearing on the parties' ability to evaluate the fairness and public interest of the Proposed Transaction. Rather, the only purpose in seeking the customer identities would be to further harass the customers regarding their support of the Proposed Transaction. *See* 49 C.F.R. 1114.21(c). Union Pacific further objects to this request to the extent that relevant information—information about BNSF's or CPKC's interactions with these customers—is already in BNSF's or CPKC's possession, custody, and control. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 9

Explain in reasonable detail whether the initiatives described in the {{
}} at UP_0038204 to -253 are being undertaken by UP prior to its acquiring control of NS, and, if not, why not.

Union Pacific Response

Union Pacific objects to this Interrogatory as vague and ambiguous. The term “initiatives” is undefined, and it is unclear which specific content within the referenced documents CPKC is asking Union Pacific to address. Additionally, the

referenced documents at UP_0038204 to UP_0038253 include both the {{
}} documents and summary spreadsheets, and it is unclear which documents CPKC intends to reference.

Union Pacific further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 10

With respect to Dr. Bailey's Supplemental Verified Statement:

- a. Provide a list of all Documents which Dr. Bailey reviewed to determine which customer facilities should be included in her Exhibits 1 and 2 of her Supplemental Verified Statement, including whether she reviewed UP_0041664_HIGHLY CONFIDENTIAL.xlsx.
- b. Provide an explanation for why Dr. Bailey did not include additional 3-to-2 and 2-to-1 customer facilities identified by Applicants in their Documents.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific directs CPKC to Appendix A of Dr. Bailey's Supplemental Verified Statement, which contains a list of materials relied upon.

Union Pacific objects to this Interrogatory to the extent it seeks materials protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Union Pacific further objects to this Interrogatory as overly broad, unduly burdensome, and

disproportionate to the needs of this proceeding to the extent it seeks “all Documents” that Dr. Bailey reviewed in preparing her analysis. Union Pacific further objects to this Interrogatory to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from Union Pacific, including by accessing the Bailey Verified Statement, Bailey Supplemental Verified Statement, and accompanying workpapers filed with the Surface Transportation Board and which are accessible to CPKC through the proceeding. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 11

Identify and describe all discussions between UP and NS concerning Norfolk Southern Railway Company’s exercise of the Wylie Options [sic], including any discussions about the Wylie Option, the Wylie Intermodal Terminal, or intermodal operations in the Dallas-Fort Worth area during the negotiation of the Merger Agreement.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific responds that during the due diligence process before signing of the Merger Agreement, Union Pacific requested and received information from Norfolk Southern regarding {{

}}. See UP_0081634.

Union Pacific further responds that prior to and after the signing of the Merger

Agreement, {{

}}.

Union Pacific objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent it purports to require Union Pacific to describe “all discussions” about Norfolk Southern’s exercise of the Wylie Option. Union Pacific further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. Union Pacific further objects to this Interrogatory as overly broad and unduly burdensome to the extent it asks Union Pacific to respond on behalf of Norfolk Southern and requests information that is not in Union Pacific’s possession, custody, or control. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

INTERROGATORY NO. 12

Identify and describe Applicants’ discussions or plans concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area in the event the Proposed Transaction is approved.

Union Pacific Response

Subject to and without waiving the below objections and its General Objections, Union Pacific has not made any decisions regarding any use by the combined UP/NS railroad of the Wylie Intermodal Terminal. As discussed in the Operating Plan and Service Assurance Plan, Union Pacific will continue to use the

Mesquite (Dallas, Texas) intermodal terminal as part of its operations. *See* Amended Application, Vol. 2 at 707, 887, 889, 894.

Union Pacific objects to this Interrogatory as overly broad, unduly burdensome, and vague, including in its use of the term “other intermodal terminals in the Dallas-Fort Worth area.” Union Pacific further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege. Union Pacific further objects to this Interrogatory as overly broad and unduly burdensome to the extent it asks Union Pacific to respond on behalf of Norfolk Southern and requests information that is not in Union Pacific’s possession, custody, or control. Union Pacific further objects to this Interrogatory to the extent it purports to require Union Pacific to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

GENERAL OBJECTIONS

Union Pacific incorporates by reference the General Responses and Objections contained in Union Pacific’s Responses and Objections to CPKC’s First Set of Discovery Requests to Applicants. Those General Responses and Objections are to be considered objections to each of the specific discovery requests that follow herein. Union Pacific’s Responses and Objections to these Requests are based on Union Pacific’s present knowledge, information, and belief. Union Pacific’s Objections shall not waive or prejudice any objections that it may later assert. Additionally:

1. Union Pacific objects to Definition No. 6 in CPKC's Second Set defining "CN" to the extent it is overly broad, unduly burdensome, and seeks to impose obligations broader than those imposed by 49 C.F.R. Part 1114. Union Pacific specifically objects to Definition No. 6 to the extent it requires knowledge of CN's "parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures" that Union Pacific does not possess.

2. Union Pacific objects to Definition No. 13 in CPKC's Second Set defining the "UP-CN Transaction Agreement" to the extent it purports to include "any related commitments, arrangements, plans or undertakings between UP and CN, whether or not publicly disclosed." This definition is overly broad, vague, and seeks information beyond the specific agreement announced in the July 22, 2026 press release. Union Pacific will interpret this definition to refer only to the publicly announced agreement establishing a framework for CN to secure competitive access in connection with the Proposed Transaction.

3. Union Pacific objects to Definition No. 14 in CPKC's Second Set defining the "UP-CN Mexico Agreement" to the extent it purports to include "any related commitments, arrangements, plans or undertakings between UP and CN, whether or not publicly disclosed." This definition is overly broad, vague, and seeks information beyond the specific agreement announced in the July 22, 2026 press release. Union Pacific will interpret this definition to refer only to the publicly announced agreement to improve North American rail connectivity.

4. Union Pacific objects to CPKC's incorporation by reference of the Definitions and Instructions contained in CPKC's First Set of Discovery Requests to Union Pacific and Norfolk Southern, dated December 18, 2025, to the extent those Definitions and Instructions are overly broad, unduly burdensome, seek to impose obligations broader than those imposed by 49 C.F.R. Part 1114, Subpart B, or are otherwise objectionable. As noted above, Union Pacific incorporates by reference its objections to those Definitions and Instructions as set forth in Union Pacific's Responses to CPKC's First Set of Discovery Requests.

5. Except as more specifically objected to above, where Union Pacific agrees to undertake searches for responsive documents or information in response to these Requests, Union Pacific will only search for and provide documents or information from January 1, 2019 through April 30, 2026.

Respectfully submitted,

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August 14, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 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**

STB FINANCE DOCKET NO. 36873

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

**NS'S RESPONSES AND OBJECTIONS TO THE REQUESTS FOR
PRODUCTION IN CPKC'S THIRD SET OF DISCOVERY REQUESTS TO
NORFOLK SOUTHERN**

Pursuant to 49 C.F.R. Part 1114 and other applicable rules and authority, Norfolk Southern Corporation and Norfolk Southern Railway Company (together, “Norfolk Southern” or “NS”), through undersigned counsel, respond as follows to the requests for production of documents in Canadian Pacific Railway Company’s (“CPKC’s”) Third Set of Discovery Requests (“Requests”). Pursuant to the Discovery Guidelines in this proceeding, NS will respond to the Interrogatories in the Requests by August 14, 2026. NS’s responses and objections to the Requests are based on NS’s present knowledge, information, and belief. NS reserves the right to supplement or amend these Responses and Objections at any time as circumstances may require.

GENERAL RESPONSES AND OBJECTIONS

NS incorporates by reference the General Responses and Objections contained in NS’s Responses and Objections to CPKC’s First Set of Discovery Requests to Applicants. Those General Responses and Objections are to be

considered objections to each of the specific discovery requests that follow herein.

NS's Responses and Objections to these Requests are based on NS's present knowledge, information, and belief. NS's Objections shall not waive or prejudice any objections that it may later assert.

SPECIFIC RESPONSES AND OBJECTIONS

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

REQUEST FOR PRODUCTION NO. 12

Produce all drafts of the Merger Agreement or any part thereof exchanged between UP and NS.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding because it seeks "all drafts... or any part thereof" of the Merger Agreement without reasonable limitation as to relevance. Any draft Merger Agreement bears no consequence to the parties' ability to evaluate the fairness and public interest of the Proposed Transaction as contemplated in the final Merger Agreement. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including BNSF 3rd Set, Request No. 1, BNSF 2nd Set, Request Nos. 32

and 33, CN 1st Set, Request No. 1, and other requests related to the Merger Agreement, disclosure schedules, amendments, drafts, redlines, and related transaction documents. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests.

REQUEST FOR PRODUCTION NO. 13

Produce all Documents reflecting, discussing, or analyzing the {{ [REDACTED] }} listed at UP 0038864 in connection with the {{ [REDACTED] }} including without limitation {{ [REDACTED] }} {{ [REDACTED] }}

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding, including because it seeks "All Documents" related to {{ [REDACTED] [REDACTED] }}...in connection with [] {{ [REDACTED] [REDACTED] }} without reasonable limitation. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including CPKC 1st Set, Request Nos. 16 and 17, BNSF 2nd Set, Request Nos. 6 and 35, BNSF 3rd Set, Request No. 5, BNSF 4th Set, Request No. 4, BNSF 5th Set, Request No. 24, and other requests related to {{ [REDACTED] [REDACTED] }} synergies, efficiencies, pricing, and integration planning. NS

further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 14

Produce all Documents reflecting, discussing, or analyzing the {{ [REDACTED] }} listed at UP 0038864 in connection with the {{ [REDACTED] }} including without limitation {{ [REDACTED] }} {{ [REDACTED] }}

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding, including because it seeks "All Documents" related to {{ [REDACTED] }}...in connection with the {{ [REDACTED] }} including Documents related to interchange and single-line train services without reasonable limitation. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including

BNSF 1st Set, Request No. 15, BNSF 2nd Set, Request No. 34, BNSF 4th Set, Request Nos. 8 and 9, BNSF 5th Set, Request Nos. 4, 6, 9, and 23, and other requests related to integration planning, {{[REDACTED]}} gateway-level interchange reductions, train-service planning, and integration workstreams. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 15

Produce NS Executive Level Documents sufficient to show the efforts You undertook (other than through the Proposed Transaction) to convert truck traffic to rail, including any analyses, studies or reports addressing the reasons such efforts succeeded or failed.

Response:

NS objects to this Request as overly broad, vague and ambiguous, and disproportionate to the needs of this proceeding, including because it seeks documents concerning undefined "efforts" to convert truck traffic to rail without reasonable limitation. NS further objects to this Request as duplicative and

cumulative of other discovery requests served on NS in this proceeding, including CPKC First Set, Request Nos. 16, 17, 28, and 29, BNSF 2nd Set, Request Nos. 51, 58, and 59, BNSF 3rd Set, Request Nos. 25 and 32, CSXT 2nd Set, Request Nos. 8, 10, and 14–18, and other requests related to truck-to-rail conversion, rail traffic growth, shipper choice, and competitive alternatives to rail. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers, specifically the Hunt Verified Statement. NS also directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request.

REQUEST FOR PRODUCTION NO. 16

Produce Documents sufficient to show the {{ [REDACTED] }} shown on UP 0038644 as scheduled to be completed at the end of {{ [REDACTED] }} under the heading {{ [REDACTED] }} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including BNSF 2nd Set, Request No. 34, BNSF 4th Set, Request Nos. 8

and 9, BNSF 5th Set, Request Nos. 4, 9, 23, 25, 26, and 28, and other requests related to integration modeling, integration planning, and integration workstreams. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 17

Produce Documents sufficient to show the {{ [REDACTED] }} shown on UP 0038644 as scheduled to be completed at the end of {{ [REDACTED] }} under the heading {{ [REDACTED] }} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including BNSF 2nd Set, Request No. 34, BNSF 4th Set, Request Nos. 8

and 9, BNSF 5th Set, Request Nos. 4, 9, 23, 25, 26, and 28, and other requests related to {{[REDACTED]}} integration planning, {{[REDACTED]}} development, Day 1 readiness, network planning, and integration workstreams. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 18

Produce Documents sufficient to show the {{[REDACTED]}} shown on UP_0038644 as scheduled to be completed during {{the week of March 16, 2026}} under the heading {{[REDACTED]}} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including BNSF 2nd Set, Request No. 34, BNSF 4th Set, Request Nos. 8

and 9, BNSF 5th Set, Request Nos. 4, 9, 23, 25, 26, and 28, and other requests related to {{[REDACTED]}}
 {{[REDACTED]}} operating-model planning, and integration workstreams. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 19

Produce Documents sufficient to show the {{[REDACTED]}}
 {{[REDACTED]}} shown on UP_0038644 as scheduled to be completed during {{[REDACTED]}}
 {{[REDACTED]}} under the heading {{[REDACTED]}}
 {{[REDACTED]}} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including BNSF 2nd Set, Request No. 34, BNSF 4th Set, Request Nos. 8 and 9, BNSF 5th Set, Request Nos. 4, 23, 25, 26, and 28, and other requests related

to {{[REDACTED]}} integration workarounds, {{[REDACTED]}} and integration workstreams. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 20

Produce Documents sufficient to show the {{[REDACTED]}} shown on UP_0038644 as scheduled to be completed during {{[REDACTED]}} under the heading {{[REDACTED]}} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including BNSF 2nd Set, Request Nos. 34, 35, and 48, BNSF 3rd Set, Request Nos. 23 and 36, BNSF 4th Set, Request No. 8, BNSF 5th Set, Request Nos. 5, 9, and 23, and other requests related to {{[REDACTED]}} capacity

projects, projected investments, integration planning, network planning, and engineering workstreams. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 21

Produce Documents sufficient to show the {{ [REDACTED] }} shown on UP_0038644 as scheduled to be completed during the {{ [REDACTED] }} under the heading {{ [REDACTED] }} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including CPKC First Set, Request Nos. 16 and 17, BNSF 2nd Set, Request Nos. 6, 21, and 35, BNSF 3rd Set, Request No. 5, BNSF 4th Set, Request No. 4, BNSF 5th Set, Request No. 24, and other requests related to {{ [REDACTED] }}

[REDACTED]} synergies, efficiencies, revenue growth, integration planning, and synergy workstreams. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 22

Produce Documents sufficient to show the {[REDACTED]} shown on UP 0038644 as scheduled to be completed at the end of {[REDACTED]} under the heading {[REDACTED]} If the contemplated output has not yet been completed, produce Documents sufficient to show the most recent version.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including BNSF 2nd Set, Request Nos. 6, 21, and 35, BNSF 3rd Set, Request No. 5, BNSF 4th Set, Request No. 4, BNSF 5th Set, Request No. 24, and other requests related to {[REDACTED]} synergy calculations,

efficiencies, revenue synergies, cost savings, and synergy workstreams. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific, is based on a document produced by Union Pacific, and requests information that is not in NS's possession, custody or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 23

For each shipper identified in response to Interrogatory Nos. 2, 3, or 4, produce Documents sufficient to support Your prediction or contention that the shipper would switch to Applicant's single-line service following the Proposed Transaction.

Response:

NS objects to this Request as overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding because it seeks "prediction[s] or contention[s]" without reasonable limitation. NS further objects to the extent this Request seeks Documents related to an Interrogatory for which NS has not yet responded and is not required to answer until after the deadline to respond to Requests for Production in CPKC's Third Set of Discovery Requests. NS reserves all objections to Interrogatory Nos. 2, 3, or 4, and to any request for documents purportedly identified in response to that Interrogatory.

REQUEST FOR PRODUCTION NO. 24

For each shipper identified in response to Interrogatory Nos. 2, 3 or 4, produce Communications to or from that shipper sufficient to show (a) the reasons the shipper currently uses truck transportation than rail or (b) the quality of NS's current interline service.

Response:

NS objects to this Request as overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding, including to the extent it seeks information concerning a shipper's subjective reasons and assumes that NS has documents reflecting those reasons. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of any individual shipper and requests information that is not in NS's possession, custody or control. NS further objects to the extent this Request seeks Documents related to an Interrogatory for which NS has not yet responded and is not required to answer until after the deadline to respond to Requests for Production in CPKC's Third Set of Discovery Requests. NS reserves all objections to Interrogatory Nos. 2, 3, or 4, and to any request for documents purportedly identified in response to that Interrogatory.

REQUEST FOR PRODUCTION NO. 25

Produce all Documents Concerning how Applicants plan to achieve the truck-to-rail diversions predicted in the verified statement of David Hunt, including any marketing plans Applicants have prepared, marketing assessments of the demand Applicants have asserted is newly made addressable by the Proposed Transaction, lists of target customers Applicants have identified, and capacity plans that are or will be put in place to meet the projected demand, and any assessments, separate from Hunt's diversion models, of the pricing, discounting, contract terms, marketing efforts, or other commercial actions that would be required to achieve the projected traffic diversions.

Response:

NS objects to this Request as overly broad, unduly burdensome, vague, ambiguous, and disproportionate to the needs of this proceeding, including because it seeks “all Documents Concerning” broad categories of commercial, marketing, pricing, customer, capacity, and integration planning materials without reasonable limitation. NS also objects to this Request to the extent it seeks documents or information that are publicly available, already contained in the Application or Revised Application, as defined in CPKC’s Third Set of Discovery Requests, contained in the Verified Statement of David Hunt, or reflected in the accompanying workpapers. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including CPKC First Set, Request Nos. 16, 17, 28, and 29, BNSF 2nd Set, Request Nos. 7, 35, 51, 55, 58, and 59, BNSF 3rd Set, Request Nos. 14, 25, 32, and 33, BNSF 4th Set, Request No. 7, CSXT 2nd Set, Request Nos. 8, 9, 10, and 14–18, and other requests related to Hunt’s diversion analysis, truck-to-rail diversions, marketing plans, target customers, pricing, discounting, capacity planning, and commercial actions to achieve projected traffic growth. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC’s

Third Set of Discovery Requests, specifically the Hunt Verified Statement, and accompanying workpapers. NS also directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 26

Produce Documents sufficient to show NS's analysis of truck-to-rail diversions for shippers or receivers in the following counties:

(a.) { [REDACTED] }

Response:

NS objects to this Request as overly broad, unduly burdensome, vague, ambiguous, and disproportionate to the needs of this proceeding. NS also objects to this Request to the extent it seeks documents or information that are publicly available, already contained in the Application or Revised Application, as defined in CPKC's Third Set of Discovery Requests, contained in the Verified Statement of David Hunt, or reflected in the accompanying workpapers. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including any Request related to Hunt's diversion analysis and truck-to-rail diversions. NS further objects to this Request to the extent it seeks

documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, specifically the Hunt Verified Statement, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 27

Produce Documents sufficient to show Your studies, analyses or reports Concerning the net-benefits (or net-detriments) of each sale or transfer of the operation or ownership of any part of Your rail lines to a third party since 1995. Your response should include documents sufficient to determine whether You concluded that each such instance of dis-integration would promote efficiency and the reasons why it would or would not.

Response:

NS objects to this Request as overly broad, unduly burdensome, vague, ambiguous, and disproportionate to the needs of this proceeding. NS specifically objects to the requested time period beginning in 1995 as facially overbroad and not proportional to the needs of this proceeding. NS further objects to the phrases "each sale or transfer," "net-benefits (or net-detriments)," and "dis-integration" as vague and ambiguous. NS further objects because the Request would require NS to undertake a nearly thirty-year historical study of any sale or transfer of the operation or ownership of any part of NS rail lines regardless of its relevance to the parties' ability to evaluate the Proposed Transaction. NS also objects to this

Request to the extent it seeks materials that are publicly available or otherwise readily available or accessible to CPKC from other sources or otherwise obtainable in a more convenient, less burdensome, or less expensive manner than from NS, including by accessing the materials filed with the Surface Transportation Board.

REQUEST FOR PRODUCTION NO. 28

Produce Documents sufficient to show (a) the nature of the potential transaction involving UP and NS that was contemplated to implement a trackage rights agreement involving UP's operation on NS's Kansas City-Decatur, IL line, as reflected in the LinkedIn Post by John Friedmann dated June 2026, available at https://www.linkedin.com/posts/john-friedmann-16145b4_it-can-take-a-merger-for-a-rail-line-to-fulfill-activity-7473895908598849536-AleC?utm_source=share&utm_medium=member_desktop&rcm=ACoAAA6_uPwBBHkeApa4UtT_N9Dmw4ghO_McBPo; and (b) the reasons why that transaction was not successful.

Response:

NS objects to this Request as unduly burdensome and disproportionate to the needs of this proceeding. NS specifically objects to the extent the Request relies on the statements of a former NS employee who is not currently affiliated with NS. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request to the extent it mischaracterizes the contents of the referenced LinkedIn post, which speaks for itself. NS further objects to this request as seeking materials not in NS's possession, custody, or control.

Subject to and without waiving the foregoing objections and its General Objections, NS responds that it is conducting a reasonable search responsive to this

request consistent with its custodial search framework, and will produce non-privileged, responsive documents that it identifies on a rolling basis.

REQUEST FOR PRODUCTION NO. 29

Produce all Communications between UP and NS Concerning Norfolk Southern Railway Company's exercise of the Wylie Option, including all Communications exchanged about the Wylie Option, the Wylie Intermodal Terminal, or intermodal operations in the Dallas-Fort Worth area during the negotiation of the Merger Agreement.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific and requests information that is not in NS's possession, custody or control. NS further objects to the Request as vague and potentially overbroad because it does not define Wylie Intermodal Terminal.

REQUEST FOR PRODUCTION NO. 30

Produce Documents sufficient to show Applicants' plans Concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area in the event the Proposed Transaction is approved.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney

work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific and requests information that is not in NS's possession, custody or control. NS also objects to this Request to the extent it seeks documents or information that are publicly available, already contained in the Application or Revised Application, as defined in CPKC's Third Set of Discovery Requests, or reflected in the accompanying workpapers. NS further objects to the Request as vague and potentially overbroad because it does not define Wylie Intermodal Terminal.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 31

Produce all Documents Concerning NS's discussions or plans for the use or acquisition of any property owned by Kansas City Southern Railway outside of the Wyle Intermodal Terminal.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as overly broad

and unduly burdensome to the extent it asks NS to respond to a request on behalf of Union Pacific and requests information that is not in NS's possession, custody or control. NS also objects to this Request to the extent it seeks documents or information that are publicly available, already contained in the Application or Revised Application, as defined in CPKC's Third Set of Discovery Requests, or reflected in the accompanying workpapers. NS further objects to the Request as vague and potentially overbroad because it does not define Wylie Intermodal Terminal.

REQUEST FOR PRODUCTION NO. 32

Produce Documents sufficient to show the reasons for NS's decision in late 2025 or early 2026 to alter the manner in which it switches cars at Oakwood Yard in Detroit, Michigan, using trackage over which CPKC through trains operate via trackage rights.

Response:

NS objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding. NS specifically objects to the phrase "sufficient to show the reasons" as vague and ambiguous. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

REQUEST FOR PRODUCTION NO. 33

Produce all Communications since July 28, 2025, in which NS sought UP's consent to take an action (or omit to act) in accordance with Section 5.1 of the Merger Agreement or otherwise consulted with UP regarding potential changes to NS's operations to be implemented before the Board concludes its consideration of the Proposed Transaction.

Response:

NS objects to this Request as irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence that could aid CPKC in preparing its filings in this proceeding. The question in this proceeding is whether the proposed transaction is in the public interest, and the Applicants Communications related to a provision of the Merger Agreement has no relevance to that question. NS further objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding to the extent it refers to any “action” or omission without reasonable limitation. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

REQUEST FOR PRODUCTION NO. 34

Produce all NS Executive Level Documents Concerning John Orr’s resignation from his position at NS as Chief Operating Officer, as reflected in the Form 8-K filed by NS with the SEC on May 31, 2026, including Concerning (i) any ongoing agreements with John Orr following his resignation and (ii) any request for approval of John Orr’s resignation sent to or provided by UP pursuant to the Merger Agreement.

Response:

NS objects to this Request as irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence that could aid CPKC in preparing its filings in this proceeding. NS further objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to the extent the request seeks confidential personnel information,

private employment information, legal advice, or information unrelated to the Proposed Transaction. NS also objects to the extent the Request seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to NS's public filings with the Securities and Exchange Commission concerning John Orr's resignation.

REQUEST FOR PRODUCTION NO. 35

Produce all Documents between NS and the National Railroad Passenger Corporation d/b/a Amtrak Concerning the Proposed Transaction.

Response:

NS objects to this Request as overly broad, unduly burdensome, vague, ambiguous, and disproportionate to the needs of this proceeding, including because it seeks "all Documents" between NS and Amtrak "Concerning" the Proposed Transaction without reasonable limitation as to document type, subject matter, or custodian. NS further objects to the extent the Request seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, settlement privilege, or other applicable privilege or protection. NS also directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 36

Produce all documents identified by NS in response to Interrogatory No. 7 above.

Response:

NS objects to this Request as overly broad, unduly burdensome, vague, and disproportionate to the needs of this proceeding. NS further objects to the extent

this Request seeks Documents related to an Interrogatory for which NS has not yet responded and is not required to answer until after the deadline to respond to Requests for Production in CPKC's Third Set of Discovery Requests. NS reserves all objections to Interrogatory No. 7 and to any request for documents purportedly identified in response to that Interrogatory.

REQUEST FOR PRODUCTION NO. 37

Produce all Documents considered, reviewed, or relied upon in preparing the response to STB Request PB-2 Concerning potential competitive responses by other railroads through joint services, haulage arrangements, trackage-rights arrangements, reciprocal switching, coordinated pricing or marketing, terminal or gateway arrangements, or other forms of commercial or operational cooperation that do not require a merger.

Response:

NS objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection, including counsel's selection or review of documents in preparing Applicants' response to STB Request PB-2. NS further objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding, including because it seeks "all Documents considered, reviewed, or relied upon" without reasonable limitation. NS further objects to this Request as duplicative and cumulative of STB Request PB-2, and any other request related to "competitive responses by other railroads." NS further objects to this Request to the extent it seeks documents or information related to the position or perspective of other railroads, which are not in NS's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 38

Produce all Documents prepared in the ordinary course of business that describe or apply the factors used by NS to assess, predict, or explain shipper choice, traffic shares, or traffic diversion:

- (a.) where two or more rail routes or rail carriers compete; or
- (b.) where rail service competes with truck service.

For the avoidance of doubt, this Request includes Documents addressing the effects of price, transit time, reliability, service frequency, capacity, route distance, interchange or gateway performance, customer-specific requirements, commodity characteristics, contractual arrangements, origin or destination geography, and the availability or quality of competing service.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding, including CPKC First Set, Request Nos. 20, 21, 26, 27, 28, and 29, BNSF 2nd Set, Request Nos. 51, 55, 56, 57, and 58, BNSF 3rd Set, Request Nos. 25, 32, and 33, CSXT 1st Set, Request Nos. 23 and 27, CSXT 2nd Set, Request Nos. 8, 9, 10, and 14–18, and other requests related to pricing, transit time, reliability, service frequency, capacity, route distance, interchange or gateway performance, customer-specific requirements, commodity characteristics, contractual arrangements, origin or destination geography, and the availability or quality of competing service. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's

Third Set of Discovery Requests, and accompanying workpapers. NS also directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request.

REQUEST FOR PRODUCTION NO. 39

Produce all Documents considered, reviewed, or relied upon in developing or validating the assumptions used to estimate the effect of the hypothetical railroad combinations analyzed in Section 3 of the Hunt Supplemental Verified Statement, including:

- (a.) the assumptions assigning traffic shares of 50/50, 60/40, 40/60, 80/20, or 20/80;
- (b.) the mileage thresholds used to assign those shares;
- (c.) determinations as to whether a railroad does or could serve a particular origin, destination, terminal, plant, county, or lane;
- (d.) the selection of the “most likely” intermodal terminal or routing used for mileage comparisons; and
- (e.) any input, review, or validation provided by UP, NS, Oliver Wyman, or other railroad personnel or subject-matter experts.
- (f.) the decision not to analyze any potential combination involving CN.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent this Request requires NS to reproduce work product already made publicly available in this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and

disproportionate to the needs of this proceeding, including because it seeks “all Documents considered, reviewed, or relied upon” without reasonable limitation.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC’s Third Set of Discovery Requests, specifically the Hunt Verified Statement, and accompanying workpapers, as well as the Hunt Supplemental Verified Statement, and the Hunt Supplemental Workpapers filed with the Surface Transportation Board on July 27, 2026.

REQUEST FOR PRODUCTION NO. 40

Produce all Documents considered, reviewed, or relied upon for the assertion that the historical data and calibration used in the R2R (rail to rail diversions) and T2R (truck to rail diversions) models in the Hunt Supplemental Verified Statement fully account for foreseeable normal-course competitive responses by railroads and motor carriers to the introduction of new single-line rail service, including changes in price, transit time, reliability, service frequency, capacity, or other service characteristics.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent this Request requires NS to reproduce work product already made publicly available in this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding, including because it seeks “all Documents considered, reviewed, or relied upon” without reasonable limitation.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, specifically the Hunt Verified Statement, and accompanying workpapers, as well as the Hunt Supplemental Verified Statement, and the Hunt Supplemental Workpapers filed with the Surface Transportation Board on July 27, 2026.

REQUEST FOR PRODUCTION NO. 41

Produce all Documents comparing the projected revenues and costs associated with the traffic projected in Hunt's diversion analysis, including any assessment of whether that traffic, or material categories of that traffic, would satisfy Applicants' applicable profitability, contribution, or return requirements.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent this Request seeks NS to reproduce work product already made publicly available in this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request to the extent that it requests a compilation of information not otherwise kept in NS's ordinary course of business.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, specifically the Hunt Verified Statement, and accompanying workpapers, as well as the Hunt Supplemental Verified Statement,

and the Hunt Supplemental Workpapers filed with the Surface Transportation Board on July 27, 2026.

REQUEST FOR PRODUCTION NO. 42

Produce Documents sufficient to show the traffic density, volume, frequency, or other operating requirements used by NS in deciding whether to introduce, retain, modify, or discontinue a rail service in the ordinary course of business, including Documents sufficient to show any instances in which a service or transportation plan was modified or discontinued because those requirements were not met.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding. NS further objects to this Request as duplicative and cumulative of other discovery requests served on NS in this proceeding related to traffic density, volume, frequency, or other operating requirements related to service modifications. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS also directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request.

REQUEST FOR PRODUCTION NO. 43

Produce all Documents considered, reviewed, or relied upon in developing or validating the assumptions and screening criteria used in Section 6 of the Hunt Supplemental Verified Statement, including the decision to assess viability at the

Location¹ level rather than the Route level, the exclusion of low-volume locations, and the use of 20% and 30% volume-decline thresholds.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent this Request seeks NS to reproduce work product already made publicly available in this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding, including because it seeks “all Documents considered, reviewed, or relied upon” without reasonable limitation.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC’s Third Set of Discovery Requests, specifically the Hunt Verified Statement, and accompanying workpapers, as well as the Hunt Supplemental Verified Statement, and the Hunt Supplemental Workpapers filed with the Surface Transportation Board on July 27, 2026.

REQUEST FOR PRODUCTION NO. 44

Produce all the tables cited in Exhibits MS1.16, MS1.17, and MS1.19 in the Hunt Supplemental Verified Statement, including the tabs “CFE to Chicago,” “CFE from Chicago,” and “CFE Summary,” cited in the workpaper “MS1_Service Viability_vFinal.xlsx”, and any formulas, source data, and other materials necessary to reproduce those Exhibits, or identify where those materials are located in the materials already produced.

¹ NS incorporates by reference Footnote 2 as defined in CPKC’s Third Set of Discovery Requests to NS.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent this Request seeks NS to reproduce work product already made publicly available in this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 45

Produce the workpapers, source data, formulas, assumptions, and other materials necessary to reproduce Exhibit MS1.18 in the Hunt Supplemental Verified Statement, or identify where those materials are located in the materials already produced.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent this Request seeks NS to reproduce work product already made publicly available in this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to Union Pacific's response to this request.

REQUEST FOR PRODUCTION NO. 46

Produce the code, mapping tables, source data, and any other materials necessary to execute or reproduce the function “mkt_share.fn_SPLC_to_BEA,” or identify where those materials are located in the materials already produced.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent this Request seeks NS to reproduce work product already made publicly available in this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to Union Pacific’s response to this request.

REQUEST FOR PRODUCTION NO. 47

Produce the underlying raw data and source materials used to compile the passenger-delay data reported in “PR-3 STB Supplemental.xlsx,” including any intermediate files or calculations, or identify where those materials are located in the materials already produced.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent this Request seeks NS to reproduce work product already made publicly available in this proceeding. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Supplement filed with the Surface Transportation Board on July 27, 2026 and the accompanying workpapers. Further, NS is willing to meet and confer with CPKC regarding the scope and relevance of this Request.

REQUEST FOR PRODUCTION NO. 48

With respect to Bailey's Supplemental Verified Statement:

- (a.) Produce all Documents, including any drafts, reflecting the terms of the Access Commitments Dr. Bailey relies upon in her Supplemental Verified Statement.
- (b.) Produce Documents sufficient to identify the specific railroads proposed to provide access under the Access Commitments, for each 2-to-1 or 3-to-2 customer facility listed in Exhibits 1 and 2.
- (c.) Produce all Documents Dr. Bailey identified in response to Interrogatory No. 9.a.
- (d.) Produce Documents sufficient to show the complete methodology of how Dr. Bailey determined which customer facilities to include in her Exhibits 1 and 2 of her Supplemental Verified Statement.
- (e.) Produce all Documents in Applicants' possession identifying 3-to-2 and 2-to-1 customer facilities, whether or not listed in Dr. Bailey's Verified Statement or her Supplemental Verified Statement.

Response:

NS objects to this Request as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent it seeks "all drafts" relied on in the preparation of the Bailey Supplemental Verified Statement. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Request as overly broad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding, including because it seeks

Documents identifying customer facilities as specified in subpart e without regard to whether such facility was listed in Dr. Bailey's Verified Statement or Supplemental Verified Statement. NS further objects to the extent this Request seeks Documents related to an Interrogatory for which NS has not yet responded and is not required to answer until after the deadline to respond to Requests for Production in CPKC's Third Set of Discovery Requests. NS reserves all objections to Interrogatory No. 9.a and to any request for documents purportedly identified in response to that Interrogatory.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Bailey Supplemental Verified Statement and accompanying workpapers.

/s/ Matthew J. Warren

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Atlanta, GA 30308

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

Date: August 7, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2026, a copy of the foregoing “NS’s Responses and Objections to the Requests for Production in CPKC’s Third Set of Discovery Requests to Norfolk Southern” was served by email or first class mail on the service list for Finance Docket No. 36873.

/s/ Matthew J. Warren
Matthew J. Warren

EXHIBIT F

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 36873

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

NS'S RESPONSES AND OBJECTIONS TO THE INTERROGATORIES IN
CPKC'S THIRD SET OF DISCOVERY REQUESTS TO NORFOLK
SOUTHERN

Pursuant to 49 C.F.R. Part 1114 and other applicable rules and authority, Norfolk Southern Corporation and Norfolk Southern Railway Company (together, "Norfolk Southern" or "NS"), through undersigned counsel, respond as follows to the interrogatories in Canadian Pacific Railway Company's ("CPKC's") Third Set of Discovery Requests ("Requests"). Pursuant to the Discovery Guidelines in this proceeding, NS responded to the requests for production of documents on August 7, 2026. NS's responses and objections to the Requests are based on NS's present knowledge, information, and belief. NS reserves the right to supplement or amend these Responses and Objections at any time as circumstances may require.

GENERAL RESPONSES AND OBJECTIONS

NS incorporates by reference the General Responses and Objections contained in NS's Responses and Objections to CPKC's First Set of Discovery Requests to Applicants. Those General Responses and Objections are to be considered objections to each of the specific discovery requests that follow herein.

NS's Responses and Objections to these Requests are based on NS's present knowledge, information, and belief. NS's Objections shall not waive or prejudice any objections that it may later assert. NS asserts the following additional General Responses and Objections:

1. NS objects to Definition No. 6 defining "CN" to the extent it is overly broad, unduly burdensome, and seeks to impose obligations broader than those imposed by 49 C.F.R. Part 1114. NS specifically objects to Definition No. 6 to the extent it requires knowledge of CN's corporate structure and history that NS does not possess.

2. NS objects to Definition No. 7 defining "Executive Level" on the same grounds that NS has previously objected to CPKC's definition of "NS Executive Level Documents."

SPECIFIC RESPONSES AND OBJECTIONS

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

INTERROGATORY NO. 1

Identify and describe all plans, efforts, or initiatives that were approved, mandated, or coordinated at the Executive Level and taken by NS to convert traffic from truck to an NS rail service from 2020 to present, including which specific commodities were targeted, which regions were targeted, the identity of other rail carrier(s) that were involved if it was interline service, what steps NS took to convert the traffic, and what the result was of these efforts.

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding. NS specifically objects to the phrase “plans, efforts, or initiatives,” as overbroad, vague, and ambiguous because it requires NS to identify all traffic diversion “plans, efforts, or initiatives” without reasonable limitation. NS further objects to this Interrogatory because it is duplicative, cumulative, and disproportionate to the needs of this proceeding, specifically because other discovery requests, including CPKC 1st Set, Request Nos. 17 and 29, BNSF 2nd Set, Request Nos. 51, 58, and 59, BNSF 3rd Set, Request Nos. 25 and 32, and CSXT 2nd Set, Request Nos. 8, 10, and 14–18, seek information related to truck-to-rail conversion otherwise responsive to this Interrogatory. NS further objects to this Request to the extent it seeks documents protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Interrogatory to the extent it purports to require NS to provide information in a form not kept in the regular course of business or to conduct a special study or to undertake anything more than a reasonable search for responsive information.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the Application and Revised Application, as defined in CPKC's Third Set of Discovery Requests, and accompanying workpapers, specifically the Hunt Verified Statement. NS also directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, as well as non-custodial productions, which may include documents responsive to this request.

INTERROGATORY NO. 2

Identify each instance from 2020 to present in which NS lost business from a shipper that previously used NS rail services but chose to move from rail to truck because the rail service NS provided was interline as opposed to single line. For each such instance, Your response should include the name of the shipper, the commodity or commodities no longer being shipped by rail, the route or routes for the rail service, the start date of the shipper's rail contract, the end date of the shipper's rail contract, the rate NS charged or offered to charge, and, to the extent known, the name of the truck carrier serving the shipper, to the extent known.

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. NS also objects to the extent this Interrogatory seeks a special study, compilation, or analysis of NS business records sufficient to show "each instance from 2020 to present in which NS lost business" that is not otherwise kept or maintained by NS in the ordinary course of business. NS further objects because identifying every such instance over more than six years would require an unreasonable review of communications, documents, and information. NS further objects to this Interrogatory because it is duplicative, cumulative, and disproportionate to the needs of this proceeding, specifically

because other discovery requests, including BNSF 2nd Set, Request No. 58, and CSXT 2nd Set, Request No. 10, seek information otherwise responsive to this Interrogatory. NS also objects to the extent this Interrogatory requests NS to speculate as to the reasonable business decisions of its customers or potential customers, which necessarily rely on information not in NS's possession, custody, or control.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, as well as non-custodial productions, which may include documents responsive to this request.

INTERROGATORY NO. 3

Identify each shipper that has stated to You that the reason they are using or would use truck services instead of a NS rail service is because the NS service involves interlining rather than single-line service. For each such shipper, Your response should include the name of the shipper, the approximate date of the communication, the commodity or commodities potentially being shipped, the rail route or routes that were being considered, and any quote for rail service NS provided in connection with that service.

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. NS also objects to the extent this Interrogatory seeks a special study, compilation, or analysis of NS communications sufficient to reflect every such statement by a shipper to NS. NS also objects to this Interrogatory as unduly burdensome because it requests that NS prepare analysis not otherwise kept or maintained by NS in the ordinary course of business. NS

further objects to this Interrogatory as vague and ambiguous as it seeks identification of all such statements without reasonable limitation to time or custodian. NS further objects to the extent that this Interrogatory is duplicative of other requests related to interline and single-line service, including CSXT 1st Set, Request No. 27.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request.

INTERROGATORY NO. 4

Identify each shipper currently receiving or originating intermodal truck traffic in or from the counties listed below that You predict will divert intermodal truck traffic to rail service as a result of the Proposed Transaction. For each such shipper, Your response should include the name of the shipper, the estimated volume of traffic from that shipper that You predict will be diverted, and a description of the basis for Your diversion prediction for that shipper. For the avoidance of doubt, this interrogatory is seeking a response from officers and employees of NS, not Your experts providing testimony in this proceeding.

(a.) {
[REDACTED]
}

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding. NS also objects to the extent this

Interrogatory requests NS to speculate as to the reasonable business decisions of its customers or potential customers, which necessarily rely on information not in NS's possession, custody, or control. NS further objects to this Interrogatory to the extent it seeks a special study, compilation, or analysis to identify each shipper expected to divert traffic from truck to rail, its expected diverted traffic measured by volume, and "a description of [NS's] basis" for such predictions. NS also objects to this Interrogatory as vague and ambiguous with respect to the inquiry into NS's "basis" for its' "prediction[s]." NS further objects to this Interrogatory as duplicative of other requests in this proceeding seeking information, documents, and communications related to truck to rail diversions, including BNSF 1st Set, Request No. 21. NS further objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request. NS further directs CPKC to Union Pacific's response to this interrogatory.

INTERROGATORY NO. 5

Identify potential expenditures of \$5,000,000 or more that (1) the NS board of directors or any NS Executive Level employee considered but NS ultimately decided not to pursue and (2) relate to improving interline services with western carriers, and explain in reasonable detail why NS did not pursue each.

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding. NS specifically objects to this Interrogatory as vague and ambiguous with respect to the undefined terms “potential expenditures” and “reasonable detail,” and the use of “western carriers” without reasonable limitation. NS further objects to this Interrogatory as overbroad and unduly burdensome to the extent it requests identification of all such “potential expenditures” without any reasonable time limitation. NS further objects to this Interrogatory to the extent it seeks a special study, compilation, or analysis to identify each such “potential expenditure.” NS further objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, as well as non-custodial productions, which may include documents responsive to this request.

INTERROGATORY NO. 6

Identify all transactions since 1995 where NS transferred operation or ownership of a rail line to a third-party (for example, a branch line leased or conveyed to a short line), such that traffic originated by that line or destined to that line would be interchanged between NS and a third party. For each such transaction, Your response should describe:

- (a.) how and by what volumes, rates, and other material terms traffic is interchanged between NS and the new owner/operator of the rail line; and

- (b.) any benefits or adverse consequences caused by the transfer of operation or ownership, including the effect such transfer had on your ability to serve shippers on the line effectively, the reliability or timeliness of the shipments to or from the shippers, and any effect on prices or volume of shipments across those lines.

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding. NS specifically objects to this Interrogatory to the extent it arbitrarily requests information related to all relevant transactions since 1995. NS further objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent it requires NS to conduct a thirty-plus year review of its transactions. NS also objects to this Interrogatory to the extent it requests a compilation of information not otherwise kept in NS's ordinary course of business. And NS objects to this Interrogatory to the extent it seeks materials that are otherwise readily available or accessible to CPKC from other sources, including material previously filed with or decisions issued by the Board and the Interstate Commerce Commission.

Subject to and without waiving the below objections and its General Objections, NS directs CPKC to its list of Interchange Commitments produced in response to STB Decision No. 3, and states that it has produced all of the interchange agreements on this list in response to CN 1st Set, Request No. 6.

INTERROGATORY NO. 7

Describe in reasonable detail any voting agreements or similar arrangements between NS and CSX Concerning Conrail's shares in Indiana Harbor Belt Railroad are voted. Your response should include an explanation of how decisions are made in the event NS and CSX disagree about how Conrail's shares in Indiana Harbor Belt Railroad should be voted. Identify any documents related to the agreements or arrangements you describe.

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding. NS specifically objects to this Interrogatory as vague and ambiguous with respect to the undefined terms "reasonable detail," "voting agreements," and "similar arrangements." NS further objects to this Interrogatory as overbroad to the extent it seeks confidential corporate governance information, commercially sensitive information, or information regarding a non-party entity not relevant to the issues in this proceeding. NS further objects to this Interrogatory as unduly burdensome to the extent it asks NS to respond on behalf of CSX.

Subject to and without waiving these objections or the General Objections, NS will be producing an agreement responsive to the information requested in this interrogatory in a future production.

INTERROGATORY NO. 8

Describe in reasonable detail how NS would use or invest the \$2.5 billion termination fee potentially available under the Merger Agreement.

Response:

NS objects to this Interrogatory as overbroad and disproportionate to the needs of this proceeding. NS specifically objects to this Interrogatory as

disproportionate and irrelevant to CPKC's ability to evaluate the Proposed Transaction as the interrogatory contemplates the termination of the Merger. NS further objects to this Interrogatory because it asks NS to speculate on the hypothetical future use of a contingent termination fee. NS further objects to the term "reasonable detail" as vague and ambiguous. NS further objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection.

INTERROGATORY NO. 9

With respect to Dr. Bailey's Supplemental Verified Statement:

- (a.) Provide a list of all Documents which Dr. Bailey reviewed to determine which customer facilities should be included in her Exhibits 1 and 2 of her Supplemental Verified Statement, including whether she reviewed UP_0041664_HIGHLY CONFIDENTIAL.xlsx.
- (b.) Provide an explanation for why Dr. Bailey did not include additional 3-to-2 and 2-to-1 customer facilities identified by Applicants in their Documents.

Response:

NS objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of this proceeding to the extent it seeks a listing of *all* documents reviewed and considered by Dr. Bailey. NS further objects to this Interrogatory to the extent it asks NS to explain documents in Union Pacific's possession, custody, or control.

Subject to and without waiving the below objections and its General Objections, NS directs CPKC to Union Pacific's response to this interrogatory.

INTERROGATORY NO. 10

Identify and describe all discussions between UP and NS Concerning Norfolk Southern Railway Company's exercise of the Wylie Options, including any discussions about the Wylie Option, the Wylie Intermodal Terminal, or intermodal operations in the Dallas-Fort Worth area during the negotiation of the Merger Agreement.

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding. NS further objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to the Request as vague and potentially overbroad because it does not define Wylie Intermodal Terminal.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to the ongoing production of information and documents pursuant to the existing proposal for custodial searches, which may include documents responsive to this request. NS further responds that prior to and after the signing of the Merger Agreement, NS {{ [REDACTED]

[REDACTED] }}

INTERROGATORY NO. 11

Identify and describe Applicants' discussions or plans Concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area in the event the Proposed Transaction is approved.

Response:

NS objects to this Interrogatory as overbroad, unduly burdensome, vague and ambiguous, and disproportionate to the needs of this proceeding. NS further objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, common interest privilege, expert work product, or other applicable privilege or protection. NS further objects to this Interrogatory because it is duplicative, cumulative, and disproportionate to the needs of this proceeding, specifically because other discovery requests seek information related to integration planning that will likely encompass "plans Concerning use of the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worst area." NS further objects to the Request as vague and potentially overbroad because it does not define Wylie Intermodal Terminal.

Subject to and without waiving these objections or the General Objections, NS directs CPKC to Union Pacific's response to this interrogatory.

PUBLIC VERSION

/s/ Matthew J. Warren

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

Date: August 14, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2026, a copy of the foregoing “NS’s Responses and Objections to the Interrogatories in CPKC’s Third Set of Discovery Requests to Norfolk Southern” was served by email or first class mail on the service list for Finance Docket No. 36873.

/s/ Matthew J. Warren
Matthew J. Warren

EXHIBIT G

From: Stern, Noah P. M.

Sent: Monday, August 17, 2026 2:30 PM

To: Rosenthal, Michael <mrosenthal@cov.com>; Flahive Wu, Laura <lflahivewu@cov.com>; Kelly, Kevin <Kkelly@cov.com>; Brown, Molly <MBrown@cov.com>; Krovoza, Charlotte <CKrovoza@cov.com>; Korman, Marc <mkorman@sidley.com>; Laudone, Stephen S. <slaudone@sidley.com>; Mahan, Carrie <carrie.mahan@sidley.com>; ratkins <ratkins@sidley.com>; Warren, Matthew J. <mjwarren@sidley.com>

Cc: Matelis, Joseph J. <Matelisj@sullcrom.com>; David Meyer <david@meyerlawdc.com>; Clyburn, Rachel P. <clyburnr@sullcrom.com>

Subject: Applicants' Responses and Objections to CPKC's July 31 Discovery Requests

Counsel,

To help make the meet and confer session we requested on August 12 as productive as possible, we provide below an initial set of questions regarding UP's and NS's responses to CPKC's July 31 discovery requests. In view of your assertion that documents responsive to many of our requests are being collected through either targeted or custodial collections, CPKC has focused the questions below on priority areas in which there seems to be clear disagreement. CPKC reserves the right to raise additional issues about UP's and NS's responses to our discovery requests in view of Applicants' productions. Please let us know when you are available to meet and confer.

Regards,
Noah

* * * * *

Questions for UP

Interrogatory 1 & Request 17: Applicants have asserted that their "projected diversions are concentrated in commodity-corridor pairs in which Applicants historically had little or no traffic." UP-67/NS-65, at 1. We are aware of one study that UP has produced addressing conversion of traffic from truck to rail on routes potentially fitting that description, UP_0024849, and UP's response to Interrogatory 1 cites various documents that, to our knowledge, have not been produced. We are trying to understand whether UP has, or has not, tried to convert that kind of truck traffic before the Proposed Transaction. If such prior studies exist, we would like them produced. If there are none, we are seeking confirmation.

Interrogatory 2: Is UP able to identify any instance in which UP believes that it lost business to truck because the rail service UP provided was interline rather than single line?

Interrogatory 3: Is UP able to identify any instance in which a shipper informed UP that it is using or would use truck service instead of a UP rail service because the UP service involves interlining rather than single-line service?

Interrogatory 5: Mr. Vena explicitly referenced "deals" that UP has "tried to make . . . with other railroads." Is UP refusing to identify specific deals or describe any efforts to make those "deals"?

Interrogatory 8: A senior UP executive has publicly accused CPKC of intimidating customers in connection with this proceeding. What is the basis of that accusation? Whether there is any basis for that accusation is relevant to, among other things, the credibility of the UP executive.

Interrogatory 10: Dr. Bailey did not review any materials other than those explicitly listed in Appendix A to determine which customer facilities should be included in her Exhibits 1 and 2 of her Supplemental Verified Statement? If that Appendix lists all of the Documents Dr. Bailey reviewed for this purpose, and UP did not provide her with any of UP's own internal analyses on the subject, that is fine, but we would appreciate confirmation.

Request 13: Please produce drafts of the regulatory effort provisions (which ultimately became Section 5.8 and Company Disclosure Schedule 5.8) exchanged between UP and NS. The Board has already determined the final versions of these sections are relevant and discoverable. In our experience, corporate lawyers keep detailed records of drafts in significant merger negotiations.

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[REDACTED] As with Interrogatory 1 and Request 17, we are looking for evidence that UP has (or has not) tried to convert that truck traffic in a focused way before the Proposed Transaction.

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Request 32: The deposition testimony of Mr. Welch and Mr. Houston make clear that there is significant additional operational planning taking place that is not reflected in the Amended Application. Is UP willing to produce such plans for the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area?

Request 35: Have there been any requests for consent sought by NS pursuant to Section 5.1?

Request 36: Does UP possess responsive documents concerning John Orr's resignation, such as a request for approval of the resignation pursuant to the Merger Agreement? The Board is entitled to understand UP's involvement in the resignation of NS's senior operating officer and why that resignation occurred.

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Request 43: The Board has expressly acknowledged the relevance of Mr. Vena's public statements. See Decision 28, at 4. Is UP refusing to produce documents reflecting Mr. Vena's remarks concerning the Proposed Transaction, including those that are not publicly available?

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Requests 46 & 47: Please produce a final copy of the UP-CN Transaction Agreement and the UP-CN Mexico Agreement. Without having even a copy of these agreements, we cannot begin to assess the validity of UP's other objections to this Request.

Request 49: Do the documents explicitly cited in UP's Response to Decision No. 13, the Hunt Supplemental Verified Statement, and the associated workpapers filed with the Surface Transportation Board, reflect the entire universe of documents relied upon in preparing UP's response to STB Request PB-2 and have all such documents been produced?

Requests 51 & 55: The basis for developing and validating the assumptions listed in this Request are not identified in any detail in Applicants' Second Response to Decision 21, the Hunt Supplemental Verified Statement, or the Hunt Supplemental Workpapers (citing in UP's response). For example:

- Hunt states that, "[b]ased on input from railroad experts," (p.10) lanes within 250 miles are split 50/50, while a railroad with a greater-than-250-mile advantage receives 60% of the diversions. But Hunt does not identify the railroad experts, describe the analysis underlying the 250-mile cutoff, or explain why a 250-mile advantage should correspond to a 60/40 share rather than some other allocation. See Hunt Supp. VS at 10, 12-13.
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- Similarly, Hunt says Oliver Wyman made an initial assessment of whether BNSF-CSX could access the relevant origins/destinations and then "validated the results with UP and NS," without identifying what that validation consisted of or the materials reflecting it.
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... and therefore did not model CN.” Hunt Supp. VS at 6. Hunt does not provide his analysis testing or explain the inference that CN would have the same incremental effect as CPKC.

If no documents exist validating or supporting the assumptions of Hunt’s model, please let us know. But if they do exist, CPKC would like copies produced.

Requests 53 & 54: These requests seek analyses concerning the profitability of the traffic projected by Hunt’s diversion analysis, compared to the methods of assessing profitability typically used by UP when evaluating potential growth opportunities. With this clarification, will UP produce documents responsive to these Requests?

Request 59: There has been no detail that has been provided about either the source of this data or the methodology for its collection, beyond the vague suggestion that it came from “Amtrak.” If there is a set of material short of the underlying raw data and source materials used to compile the data that UP is willing to provide that will clarify these issues, we are willing to consider it.

Request 60: CPKC understands UP’s response to mean that, other than documents explicitly cited in Applicants’ Second Response to Decision 21, the Bailey Supplemental Verified Statement, and the Bailey Supplemental Workpapers, there exist no non-privileged documents responsive to any of the sub-parts of this Request. If this understanding is inaccurate, please identify the responsive documents that exist and explain whether UP intends to produce them.

Questions for NS

Interrogatory 1 & Request 15: Applicants have asserted that their “projected diversions are concentrated in commodity-corridor pairs in which Applicants historically had little or no traffic.” UP-67/NS-65, at 1. We are trying to understand whether NS has, or has not, tried to convert that kind of truck traffic before the Proposed Transaction. If such prior studies exist, we would like them produced. If there are none, we are seeking confirmation.

Interrogatory 2: Is NS able to identify any instances where it lost business to truck service because the rail service NS provided was interline rather than single line? NS’s response does not answer this question, instead simply directing CPKC to its document productions that “may include” responsive documents. If NS cannot identify any such instances, that is fine, but if there are such examples NS is aware of, NS is required to identify them rather than generically referring to its document productions. See 49 C.F.R. § 1114.26(b) (explaining the option to produce documents in response to interrogatories is available only where “the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served”).

Interrogatory 3: Same question as Request 2: Is NS able to identify any instances where a shipper has informed NS that it is using or would use truck service instead of an NS rail service because the NS service involves interlining rather than single-line service?

Interrogatory 4: UP’s response specifically identifies various responsive spreadsheets reflecting synergy planning efforts. Does NS possess similar documents that it intends to produce?

Interrogatory 5: UP has agreed to conduct a search in response to this Request. Is NS refusing to do the same?

Request 12: Please produce drafts of the regulatory effort provisions (which ultimately became Section 5.8 and Company Disclosure Schedule 5.8) exchanged between UP and NS. The Board has already determined that the final versions of these sections are relevant and discoverable. In our experience, corporate lawyers keep detailed records of drafts in significant merger negotiations.

Requests 13 & 14, 16-22: Are NS personnel involved in integration planning efforts described in these Requests? If so, is NS producing responsive documents about those planning efforts?

Requests 23 & 24: Assuming NS is willing or able to provide a response to Requests 2, 3 or 4, does it intend to produce any documents in response to these Requests?

Request 25: Is NS willing to conduct a reasonable search for marketing plans, marketing assessments, and capacity plans created in the ordinary course of business concerning how the combined UP-NS plans to achieve the truck-to-rail diversions predicted in the verified statement of David Hunt?

Request 26: CPKC is already aware of Mr. Hunt's diversion analysis. CPKC asked this request to understand NS's internal analyses of truck-to-rail diversions for the listed counties, created in the ordinary course of business, not the analysis submitted with the Amended Application. [REDACTED]

[REDACTED] As with Request 15, we are looking for evidence that NS has (or has not) tried to convert that truck traffic in a focused way in these counties prior to the Proposed Transaction.

Interrogatory 6 & Request 27: Does NS possess any documents showing that past instances of vertical dis-integration harmed NS's customers? The theory behind the Proposed Transaction would seemingly have predicted such harms occurred, so documents showing such harms did (or did not) occur are clearly relevant.

Request 30: The deposition testimony of Mr. Welch and Mr. Houston make clear that there is significant additional operational planning taking place that is not reflected in the Amended Application. Is NS willing to produce such plans for the Wylie Intermodal Terminal and other intermodal terminals in the Dallas-Fort Worth area?

Request 33: Have there been any requests for consent sought by NS pursuant to Section 5.1?

Request 34: The Board is entitled to understand the reasons for and terms of the resignation of NS's most senior operating officer, who submitted a verified statement in support of the original application. The public SEC filings NS cites contain nowhere near the full universe of relevant information about the resignation. Is NS refusing to produce any non-public information about the resignation and, if so, on what grounds?

Request 35: Does NS possess communications between it and Amtrak concerning the Proposed Transaction that would not be in the possession of UP? UP has agreed to conduct a reasonable search for documents responsive to this Request. To the extent NS possesses responsive documents, it should do the same.

Requests 41 & 42: These requests seek analyses concerning the profitability of the traffic projected by Hunt's diversion analysis, compared to the methods of assessing profitability typically used by NS when

evaluating potential growth opportunities. With this clarification, will NS produce documents responsive to these Requests?

Noah P. M. Stern

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+1 310 712 8846 (T) | +1 323 219 5824 (M)

sternn@sullcrom.com | www.sullcrom.com

EXHIBIT H

From: Stern, Noah P. M.

Sent: Tuesday, September 1, 2026 11:53 AM

To: 'Rosenthal, Michael' <mrosenthal@cov.com>; 'Flahive Wu, Laura' <lflahivewu@cov.com>; 'Kelly, Kevin' <Kkelly@cov.com>; 'Brown, Molly' <MBrown@cov.com>; 'Krovoza, Charlotte' <CKrovoza@cov.com>; 'Korman, Marc' <mkorman@sidley.com>; 'Laudone, Stephen S.' <slaudone@sidley.com>; 'Mahan, Carrie' <carrie.mahan@sidley.com>; 'ratkins' <ratkins@sidley.com>; 'Warren, Matthew J.' <mjwarren@sidley.com>

Cc: Matelis, Joseph J. <Matelisj@sullcrom.com>; 'David Meyer' <david@meyerlawdc.com>; Clyburn, Rachel P. <clyburnr@sullcrom.com>

Subject: RE: Applicants' Responses and Objections to CPKC's July 31 Discovery Requests

Counsel,

I am following up regarding the questions raised in my below email and discussed during the August 24, 2026, meet and confer. In particular, during that discussion Applicants indicated that they would consider providing an amended or supplemental response with respect to the Interrogatories and Requests identified below. We would appreciate a response by the end of this week.

CPKC reserves the right to raise additional issues about UP's and NS's responses to our discovery requests in view of Applicants' productions.

Regards,
Noah

* * * * *

UP Interrogatory 5 (Vena Statements): Please confirm whether UP intends to amend its response to this Interrogatory, including by identifying the specific "deals" referenced by Mr. Vena or confirming that Mr. Vena did not have any deals in mind when making this remark.

UP Interrogatory 8 (Rocker Statement): Please confirm whether UP is refusing to identify details about the basis for Mr. Rocker's statement, including any information about the identity of the shippers who leveled the accusations Mr. Rocker described.

UP Request 13 & NS Request 12 (Merger Agreement Drafts): Please confirm whether Applicants will produce drafts of the regulatory effort provisions of the merger agreement exchanged between UP and NS.

UP Interrogatory 7 & Request 29; NS Interrogatory 6 & Request 27 (Harm from Vertical Dis-integration): Please confirm whether Applicants are willing to conduct a search for retrospective analyses concerning the impact of their short-line spinoffs.

UP Request 35 and NS Request 33 (Section 5.1 Communications): Will Applicants produce any consents sought by NS pursuant to Section 5.1 of the merger agreement, or confirm whether any such consents exist?

UP Request 36 and NS Request 34 (Orr Resignation Documents): We understand from the meet and confer that NS and UP are refusing to produce any non-public documents responsive to this Request. If Applicants position has changed, please let us know.

UP Request 39 (STB Docket No. Ex Parte 772 Documents): Please confirm whether UP intends to produce unredacted versions of the documents, filed with the Board, that are sought by this Request.

UP Request 43 (SARS Vena Remarks): Please confirm whether a recording of Mr. Vena's remarks at the Southwest Association of Rail Shippers 2026 Annual Meeting exists and, if it does, whether UP intends to produce it.

UP Request 45 ([REDACTED]): Please confirm whether UP intends to produce documents responsive to this Request.

UP Requests 46 & 47 (UP-CN Transaction and Mexico Agreement Documents): Please confirm whether UP intends to produce (a) copies of the agreements sought by these Requests and/or (b) any documents related to these agreements that are sought by the Requests.

UP Requests 49 & 60 (Reliance Materials): Please confirm that the documents explicitly cited in response to these Requests reflect the full universe of reliance materials and, if they do not, please produce any unlisted documents.

UP Requests 51 & 55 (Hunt VS Reliance Documents): Please confirm whether documents validating or supporting the assumptions underlying Hunt's VS exist that have not been explicitly identified, including with respect to the examples identified in my prior email.

UP Request 59 (PR-3 STB Supplemental Underlying Data): Please confirm whether UP is willing to produce either the underlying raw data sought by this Request or any other additional information about the source of the data or the methodology for its collection.

From: Stern, Noah P. M.

Sent: Monday, August 17, 2026 2:30 PM

To: Rosenthal, Michael <mrosenthal@cov.com>; Flahive Wu, Laura <lflahivewu@cov.com>; Kelly, Kevin <Kkelly@cov.com>; Brown, Molly <MBrown@cov.com>; Krovoza, Charlotte <CKrovoza@cov.com>; Korman, Marc <mkorman@sidley.com>; Laudone, Stephen S. <slaudone@sidley.com>; Mahan, Carrie <carrie.mahan@sidley.com>; ratkins <ratkins@sidley.com>; Warren, Matthew J. <mjwarren@sidley.com>

Cc: Matelis, Joseph J. <Matelisj@sullcrom.com>; David Meyer <david@meyerlawdc.com>; Clyburn, Rachel P. <clyburnr@sullcrom.com>

Subject: Applicants' Responses and Objections to CPKC's July 31 Discovery Requests

Counsel,

To help make the meet and confer session we requested on August 12 as productive as possible, we provide below an initial set of questions regarding UP's and NS's responses to CPKC's July 31 discovery requests. In view of your assertion that documents responsive to many of our requests are being collected through either targeted or custodial collections, CPKC has focused the questions below on priority areas in which there seems to be clear disagreement. CPKC reserves the right to raise additional

issues about UP's and NS's responses to our discovery requests in view of Applicants' productions. Please let us know when you are available to meet and confer.

Regards,
Noah

* * * * *

Questions for UP

Interrogatory 1 & Request 17: Applicants have asserted that their “projected diversions are concentrated in commodity-corridor pairs in which Applicants historically had little or no traffic.” UP-67/NS-65, at 1. We are aware of one study that UP has produced addressing conversion of traffic from truck to rail on routes potentially fitting that description, UP_0024849, and UP's response to Interrogatory 1 cites various documents that, to our knowledge, have not been produced. We are trying to understand whether UP has, or has not, tried to convert that kind of truck traffic before the Proposed Transaction. If such prior studies exist, we would like them produced. If there are none, we are seeking confirmation.

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Noah P. M. Stern

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Highly Confidential Attachment

Filed under seal pursuant to Protective Order

EXHIBIT I