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CSXT-26

September 10, 2026

By E-Filing

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

Re: Docket No. FD 36873, *Union Pacific Corp. – Control – Norfolk Southern Corp.*

Dear Judge Soulikias:

CSX Transportation, Inc. (“CSXT”) submits this letter to move to compel Applicants¹ to produce documents responsive to CSXT’s First Set of Discovery Requests, Request Nos. 18 and 19, and CSXT’s Third Set of Discovery Requests, Request Nos. 4-13. The Board’s discovery rules plainly allow the basic, highly relevant yet targeted discovery that CSXT seeks here. As the ALJ well knows, the Board’s rules allow for broad discovery “regarding any matter, not privileged, which is relevant to the subject matter involved in a proceeding . . .” 49 C.F.R. § 1114.21(a)(1); *see also Union Pac. Corp.–Control–Norfolk S. Corp.* (“UP/NS”), Decision No. 20, FD 36873 (S.T.B. served May 12, 2026), slip op. at 3 (confirming that the Board’s regulations “provide for broad discovery”). Parties in proceedings before the Board may seek “all documents, electronically stored information, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses . . .” *Simplified Standards of Rail Rate Cases*, EP 646 (Sub No. 1) (STB served Sept. 5, 2007), slip op. at 69.

Further, as the Board reaffirmed in this proceeding, “the scope of discoverable evidence in a major merger includes the potential benefits and harms of the proposed transaction.” *See UP/NS*, Decision No. 20, FD 36873 (S.T.B. served May 12, 2026), slip op. at 4. Critically, “the Major Merger Rules require a fully developed record for the Board’s consideration.” *Id.* at 5. The Board will evaluate whether Applicants’ proposed merger is consistent with the public interest, and, among other considerations, whether it will “enhance competition.” 49 C.F.R. § 1180.1(c). This heightened standard demands a more searching inquiry into the competitive effects of a proposed merger than was required under prior rules or in prior mergers and correspondingly requires broader access to Applicants’ underlying documents and data necessary so that the Board, and

¹ Norfolk Southern Corporation and Norfolk Southern Railway Company are referred to collectively as “NS” and Union Pacific Corporation and Union Railroad Company are referred to collectively as “UP” in this motion. NS and UP together are referred to as “Applicants.”

others, can adequately evaluate those effects. Applicants' proposed merger—which would create the first transcontinental railroad in the United States—is the first major merger to be evaluated under the 2001 rules, making thorough discovery all the more critical to the Board's ability to fulfill its statutory mandate under 49 U.S.C. § 11324(c).

As discussed below, the discovery requests in this motion go directly to the competitive issues that the Board will consider and that Applicants have put forward in their own Application.

I. CSXT's First Set of Discovery Requests, Request Nos. 18 and 19

CSXT's First Set of Discovery Requests, Request Nos. 18 and 19 seek documents that were *already produced* in two sets of recent proceedings: (1) documents that NS produced in FD 36500 – CP/KCS, the proceeding involving Canadian Pacific Railway Limited's ("CP") merger with Kansas City Southern Railway ("KCS") and (2) documents produced by NS in relation to NS's control of the Norfolk & Portsmouth Belt Line Railroad Company ("NPBL"). Ex. A at 14.

A. Documents NS Produced in FD 36500

Despite NS's protestations, the relevance of documents produced by NS in the CP/KCS merger is clear. Applicants have described both mergers as "end-to-end" mergers. *See Applicant's Amended Application* ("App."), UP/NS, FD 36873 (April 30, 2026), Vol. 1, at 12; *see also Union Pac. R.R. Co.'s Comments and Req. for Conditions* (UP-10), *Can. Pac. Ry. Ltd.—Control—Kans. City S.*, FD 36500 (Feb. 28, 2022) ("CP/KCS"), at 3. The impact of end-to-end mergers—including potential synergies and anticompetitive harms—was something UP put squarely at issue in the CP/KCS merger. *See* UP-10, CP/KCS, at 3 (stating that "Applicants' expert economist . . . concedes that end-to-end mergers can cause competitive harm where the merged carrier would have the ability and incentive to force inferior terms on shippers"); *see also* UP-10 ("V.S. of Kenny Rocker and John Turner"), CP/KCS, at 8 (stating that the "end-to-end nature of their transaction means they cannot generate significant cost savings. . . in the same ways seen in many prior rail mergers"). CSXT is well within its rights to seek documents that one of the Applicants put forward in a similar merger—in fact, the most recent merger involving Class I railroads—and probe what support Applicants had for their claims in that similar merger proceeding.

A further examination of the type of documents that Applicants produced in the CP/KCS proceeding even more clearly demonstrates the relevance of these documents. In a filing in that proceeding, UP explained that it had been asked to produce documents relating to "[g]ateways/[f]oreclosure," documents relating to actions UP was planning to take with regard to capacity investments in response to the CP/KCS merger; and "communications between UP and Norfolk Southern about the Meridian Speedway[.]" *Union Pac. R.R. Co.'s Reply to Applicants' Motion to Compel Discovery* (UP-11), CP/KCS, FD 36500 (June 1, 2022), at 4-6. As another Class I railroad participating in the proceeding, NS produced documents related to NS' exclusive rights to move important categories of transcontinental traffic over the Meridian Speedway between Shreveport, LA and Meridian, MS. If UP obtains control of NS, those exclusive rights will serve as a tool to foreclose other rail competitors and harm competition. Documents about gateways, foreclosure, capacity investments that Applicants have made in recent years, and documents about NS' Meridian Speedway rights are all relevant here—indeed, in Applicants' revised application, they make *direct* reference to committing "to gateway reporting analogous to that imposed as a condition in Docket No. FD 36500[.]" App. Vol. 1, at 91, Applicants'

commitment to add additional capacity, *id.* at 62 (stating that “Applicants plan to make substantial investments in new capacity to accommodate new traffic”), and emphasize new traffic that will be moved via the Meridian Speedway, *id.* at 61. *See also* App. Vol 2, at 687-88 (discussing the importance of Meridian Speedway and Applicants’ plans for future usage of Meridian Speedway).

Finally, the burden on Applicants to produce these documents is essentially zero. Applicants previously collected and produced these documents and re-producing them should essentially be the push of a button. *See, e.g., In re Nat’l Prescription Opiate Litig.*, No. 1:17-md-2804, 2020 WL 3166631 at *2 (N.D. Ohio June 15, 2020) (stating that the burden on a party to re-produce discovery that they had already “located, collected, filtered for privilege, and produced elsewhere” is “virtually zero”). These materials are already part of the Board’s public interest proceedings, and materials designated highly confidential there would remain protected as such under the protective order governing this proceeding. In light of how directly relevant these materials are to these proceedings and the complete lack of burden to producing them, CSXT asks that the ALJ order NS to promptly produce all documents it produced in STB Docket FD No. 36500.

B. Documents From Various NPBL-Related Proceedings

CSXT’s First Set of Discovery Requests, Request Nos. 18 and 19 also seek documents produced by NS in various proceedings relating to NPBL:

- (1) STB Docket No. FD 36836, which was NS’s application for majority control of NPBL, NS-13, STB Docket No. FD No. 36836 (June 13, 2025);
- (2) STB Docket No. 302570, which was a request from NS for declaratory relief from the STB relating to the federal lawsuit identified below, *see* Petition for Declaratory Order, STB Docket No. FD 36522 (June 21, 2021);
- (3) STB Docket No. 36223, which was a request from NS to set certain rates for usage of NPBL, *see* Petition to Set Trackage Rights Compensation, STB Docket No. FD 36223 (Sept. 13, 2018); and
- (4) *CSX Transportation, Inc. v. NS Railway Company*, Case No. 2:18-cv-00530-MSD-RJK, (E.D. Va.), which was a dispute between CSXT and NS regarding whether NS was abusing its control over NPBL to disadvantage CSXT.

NPBL is a terminal and switching railroad with rail access to Norfolk International Terminals in Norfolk, Virginia. NIT is among the most strategically significant deepwater intermodal terminals on the East Coast—a gateway through which transcontinental traffic moving on the networks of UP, BNSF, CPKC, and other carriers is interchanged with NS at inland points. NS dominates rail access to NIT. NS is the only Class I railroad with direct on-dock rail access to NIT, and its control of NPBL—approved by the Board in Decision No. 14 in Docket No. FD 36836—gives it exclusive control over the only line by which a competing carrier could otherwise access NIT by rail. As CSXT demonstrated in that proceeding, NS has used its control of NPBL to impose artificial operating barriers, leaving CSXT with a disproportionately low share of on-dock rail intermodal traffic at NIT and forcing it to continue to rely on a more difficult mode of transportation called drayage subsidized by Virginia

International Terminals (“VIT”) to provide service to NIT. The proposed UP/NS merger, by which UP would acquire control of NPBL, would transform NS’s existing structural dominance at NIT into a foreclosure threat. A combined UP/NS would have both the ability and incentive to exploit NS’s exclusive on-dock rail access to NIT—and its control of the only line available to any competing carrier—to steer transcontinental traffic onto UP’s network and away from BNSF and CPKC.

The Board required participating parties to file Descriptions of Anticipated Responsive Applications in this proceeding by September 9, 2026. *UP/NS*, Decision No. 30, FD 36873 (S.T.B. served Aug. 18, 2026), slip op. at 13. CSXT, as well as the Virginia Port Authority (“VPA”), a political subdivision of the Commonwealth of Virginia and VIT, VPA’s wholly-owned marine terminal operating subsidiary, both filed notices that they anticipate filing responsive applications related to NPBL, to mitigate the additional harm to competition threatened by the proposed UP/NS merger. The requested materials are relevant to supporting those anticipated responsive applications—and provide a means for obtaining such discovery at much less burden than entirely new requests.

In addition, Applicants have repeatedly emphasized throughout this matter that they will “keep[] all existing gateways open for eligible traffic on commercially reasonable terms,” App. Vol. 1, at 91. CSXT is entitled to challenge that proposition by showing that Applicants are *already* abusing their control over gateways and interchange points. Indeed, the STB has recognized that the merger’s impacts on “communities, employees, **shortline railroads, ports, and others**” is of “strengthened consideration” under the Major Merger Rules. *UP/NS*, Decision No. 21, FD 36873 (S.T.B. served May 28, 2026), slip op. at 18 (emphasis added). Thus, documents produced in proceedings that are specifically about NS’s alleged abuse of its control over a shortline railroad and dock are relevant for testing Applicants’ contentions and for demonstrating the harm to competition posed by their proposed merger.

Here too, as these documents were already produced in other proceedings, the burden on NS to produce these documents is essentially zero. CSXT asks that NS be ordered to turn over this highly probative material.

II. CSXT’s Third Set of Discovery Requests, Request Nos. 4 through 13

CSXT’s Third Set of Discovery Requests, Request Nos. 4 through 13 are targeted requests that seek a limited set of information regarding Applicants’ interline services for three specific customers, for the limited time period of January 1, 2025, through August 14, 2026. *See* Ex. B at 12-14. These targeted requests encompass Applicants’ communications relating to the provision of interline rail services for these three specific customers; their contracts with those three customers; and information on their pricing and routing for Applicants’ interline rail services for those specific customers. *Id.*

CSXT seeks these documents because CSXT competes against NS to partner with UP for all three customers’ interline traffic and has reason to believe that Applicants may already be manipulating their pricing and marrying their economics for those customers even before the merger is consummated. This suggests UP may be, in select instances, effectively exercising premature control over NS. More than that, such conduct would be indicative of the types of

anticompetitive tactics Applicants may be expected to employ to foreclose competition on a widespread basis if the merger is approved.

Whether or not UP and NS are already engaging in these types of tactics is a core competitive harm that is at issue in this matter and would provide valuable evidence regarding how Applicants might behave once they are merged. Indeed, when challenging the CP/KCS merger, UP itself wrote at length about this exact issue. In its comment in that merger proceeding, UP explained that the merged CP/KCS entity could “set[] Rule 11 rates to discourage shippers from using UP, and to extract extra revenue from shippers who use UP, when KCS has a single-line alternative.” UP-10, *CP/KCS*, at 21. UP also expressed its concerns that the combined entity would have “a significant incentive to manipulate competitive outcomes for cross-border traffic to favor routes in which it participates in the United States,” *id.* at 22, and would attempt to “divert traffic from existing [] interline service to CPKC single-line service using strategies that reduce shippers’ existing competitive options,” *id.* at 26. UP further explained that the merged entity could disadvantage UP by “raising the rates KCSM charges shippers for UP-KCSM movements.” *Id.* at 26. This is exactly the type of conduct that CSXT seeks discovery about with these requests. The Board has already recognized such “concerns” about competitive harm “implicated by vertical, or ‘end-to-end,’ combinations” are “important matters” that must be addressed in these proceedings. *UP/NS*, Decision No. 30, FD 36873 (S.T.B. served Aug. 18, 2026), slip op. at 10 (citing *Can. Pac. Ry. Ltd.—Control—Kans. City S.*, Decision No. 35, FD 36500 (STB served Mar. 15, 2023), slip op. at 3, 19, 47 (declining to apply a presumption that a vertical combination will not result in competitive harm)).

Any burden here is offset by the highly probative value of this information. Applicants have objected that these Requests encompass discovery after April 30, 2026, when they filed their Revised Application. But Applicants have continued to supplement that Application with additional or changing information, including just this past Friday, Sept. 4. And the conduct targeted by the Requests includes pricing actions taken since April 30. UP and NS remain separate companies, until and unless their Proposed Transaction is approved by the Board. The filing of their Application should not serve as a shield to hide premature control and/or anticompetitive conduct from discovery. CSXT’s Requests do not seek a wholesale expansion of the time period for discovery; they are already narrowly targeted and would pose minimal incremental burden on Applicants. Applicants have identified no specific burden that would outweigh the relevance of information about these core potential competitive harms.

III. Request for Relief

For the foregoing reasons, CSXT respectfully requests that Your Honor enter an order compelling Applicants to fully respond to CSXT’s First Set of Discovery Requests, Request Nos. 18 and 19, and CSXT’s Third Set of Discovery Requests, Requests Nos. 4-13.

Sincerely,

/s/ Eric P. Enson

Eric P. Enson

Attorney for CSX Transportation, Inc.

cc: Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2026, I have caused the foregoing document to be served electronically or by first-class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, Applicants' representatives, Administrative Law Judge Jenifer Soulikias, and all parties of record in this proceeding.

/s/ Eric P. Enson

Eric P. Enson
Attorney for CSX Transportation, Inc.

EXHIBIT A

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

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

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

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

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

Except as otherwise specified, these requests are for materials:

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

I. CONSTRUCTION

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

II. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

III. INSTRUCTIONS

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

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

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

IV. DOCUMENT REQUESTS

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

/s/ Eric P. Enson

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Attorneys for CSX Transportation, Inc.

Dated: January 7, 2026

CERTIFICATE OF SERVICE

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

/s/ Eric P. Enson

Eric P. Enson

Attorney for CSX Transportation, Inc.

EXHIBIT B

REDACTED PUBLIC VERSION

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

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

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

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

Pursuant to 49 C.F.R. § 1114.26(a) and 1114.30, CSXT specifies that responses to the Discovery Requests below should be served no later than August 21, 2026.

Except as otherwise specified, these requests are for materials:

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

I. CONSTRUCTION

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

II. DEFINITIONS

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

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

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

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and joint ventures Include any Person in which there is a partial (25% or more) total ownership or control through and between CSXT and any other Person.

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

10. “Geographic Competition” has the meaning used in 49 C.F.R. § 1180.7.

11. “Identify,” unless otherwise specified, means:

- a. When used with reference to a Document, to: (i) provide a Description of such Document or thing sufficient to support a request for production, (ii) state its author(s), addressee(s), recipient(s), title, subject matter, date, present location and custodian, (iii) specify the place where the Document or thing may be inspected, and (iv) if the Document was produced in the Proceedings, specify the Document by Bates number(s) or identifying method used as an alternative to Bates numbering. If a Document once existed and has since been lost, destroyed, or is otherwise missing or unavailable, Identify the Document and state the details Relating to the unavailability of such Document;
- b. When used with reference to an entity, to: state the entity’s (i) full name, (ii) last known address(es), (iii) telephone number(s), and (iv) organizational form (e.g., corporation, sole proprietorship, partnership, joint venture, etc.);
- c. When used with reference to an event, to: (i) provide the date and place of the event; (ii) Identify all Persons involved in the event or who witnessed the event; and (iii) describe what took place during the event;
- d. When used with reference to an individual Person, to: state that Person’s: (i) full name; (ii) last known job title or position, business affiliation and employer; (iii) last known business address; and (iv) last known business telephone and cell number(s), fax number(s), and e-mail address(es); and
- e. When referring to the Application or work papers, to specify the volume and page number in the Application and the file name and page in the work papers.

12. “Include,” “Includes” or “Including” means including but not limited to. For avoidance of doubt, all matter specified by “Includes” or “Including” shall refer without limitation by, and even if not otherwise encompassed by, the remainder of the request in which it is used.
13. “Intermodal Competition” has the meaning of “inter- ... modal competition” used in 49 C.F.R. § 1180.7, Including competition through and between and among providers of transportation by rail and by other modes of transportation.
14. “Intramodal Competition” has the meaning used in 49 C.F.R. § 1180.7.
15. “Management Level Documents” means Documents prepared by, prepared for, or received by the Applicants’: (1) Board of Directors; (2) officers; (3) management personnel in Operations, Finance, Marketing & Sales, or Strategic Planning areas at the level of Assistant Vice President and above; and (4) any predecessors or successors of the Persons who currently hold any of the positions listed.
16. “Minimum Viable Scale” means the smallest amount of production or service volume at which average costs equal the price currently charged for rail service. It should be noted that Minimum Viable Scale differs from the concept of minimum efficient scale, which is the smallest scale at which average costs are minimized.
17. “Person” Includes Union Pacific and Norfolk Southern and means any natural Person, corporate entity, partnership, association, joint venture, government entity, or trust.
18. “Plans” means all proposals, recommendations, actions or considerations, whether or not finalized, authorized, or fully evaluated, as well as those that have been adopted.
19. “Privilege Log” means the log produced according to Instruction No. 4, below.

20. “Proceedings” means those before the Surface Transportation Board (“Board”) concerning the Application in STB Finance Docket No. 36873, and any related Proceedings before the Board, and any judicial review Proceedings arising from STB Finance Docket No. 36873, or from any related Proceedings before the Board.
21. “Product Competition” is used herein the same way the term is used in 49 C.F.R. § 1180.7.
22. “Proposed Transaction” means the proposed acquisition in the Application filed in STB Finance Docket No. 36873 for control by Union Pacific of Norfolk Southern contemplated by the Application and Proceedings, or any other proposed, contemplated, discussed, or related transaction through and between Union Pacific and Norfolk Southern.
23. “Public Interest Benefits” means effects from a transaction the STB relies on as evidence the transaction is consistent with the public interest within the meaning of 49 U.S.C. § 11324(c) and applicable STB regulations, Including enhanced competition, or effects on which the Applicants contend the STB should so rely.
24. “Rate” or “Rates” means all rates offered or charged by a railroad to a customer for rail service, Including tariff rates, contract rates, and rates that are exempt from Surface Transportation Board regulation.
25. “Relating to” means directly or indirectly, expressly or impliedly, or in any other way, to bear upon, touch upon, incorporate, constitute, affect, Include, pertain to, support, negate, and/or otherwise have any connection with the subject matter about which the Request inquires.

26. “Sole-Served” refers to a single railroad serving an origin or destination station (*i.e.*, customer location) without access to another railroad through use of the trackage of the single railroad or otherwise.
27. “STB” means the Surface Transportation Board.
28. “Sunk Costs” means the acquisition costs of tangible and intangible assets necessary to produce and sell the Relevant Product that cannot be recovered through the redeployment of these assets for other uses.
29. “V.S.” means Verified Statement as used in the Application.
30. “You” or “Your” refers to the responding Applicant.
31. {{

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32. {{

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33. {{

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34. “Canadian National” or “CN” means Canadian National Railway Company and its predecessors and successors in interest, as well as their present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries (Including both wholly owned and partially owned subsidiaries), affiliates, joint ventures, divisions, area offices, and regional offices of the foregoing companies; all Persons or entities that have partial or total ownership or control of Canadian National; and all Persons acting or purporting to act on behalf of Canadian National.

III. INSTRUCTIONS

1. Your answers shall Include all responsive information within Your possession, custody, or control.
2. Discovery responses shall be supplemented when a supplemental response is required pursuant to 49 C.F.R. § 1114.29.

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3. To the extent materials called for herein Include or reflect Confidential Information or Designated Material within the meaning of the Protective Order entered in the Proceedings, CSXT will protect them from disclosure to third parties and in accordance with the Protective Order.
4. If any Documents or parts of Documents are withheld from production based on a claim of privilege, provide a statement of the claim of privilege and all facts relied upon in support thereof, in the form of a log (the “Privilege Log”) that Includes, in separate fields, a privilege identification number; beginning and ending Document control numbers; parent Document control numbers; attachments Document control numbers; family range; number of pages; all authors; all addressees; all blind copy recipients; all other recipients; all custodians; date of the Document; the title or subject line; an indication of whether it is redacted; the basis for the privilege claim (*e.g.*, attorney-client privilege), Including the underlying privilege claim if subject to a joint-defense or common-interest agreement; and a Description of the Document’s subject matter. Attachments to a Document should be identified as such and entered separately on the log. For each author, addressee, and recipient, state the Person’s full name, title, and employer or firm, and denote all attorneys with an asterisk. The Description of the subject matter shall describe the nature of each Document in a manner that, though not revealing information itself privileged, provides sufficiently detailed information to enable the requestor and a court to assess the applicability of the privilege claimed. For each Document or part of a Document withheld under a claim that it constitutes or contains attorney work product, also state whether the responding Applicant asserts that the Document was prepared in anticipation of litigation or for trial and, if so, Identify the anticipated litigation or trial

upon which the assertion is based. Submit all non-privileged portions of any responsive Document (Including nonprivileged or redactable attachments) for which a claim of privilege is asserted (except where the only non-privileged information has already been produced in response to this instruction), noting where redactions in the Document have been made. Documents authored by outside lawyers representing the responding Applicant that were not directly or indirectly furnished to any third party, such as internal law firm memoranda, may be omitted from the log. Provide the log in Microsoft Excel readable format.

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

IV. DISCOVERY REQUESTS

1. Produce all Documents and communications, created between January 1, 2025 and the present, Relating to any instance in which UP or NS discussed NS offering Rates without profit margins, profit margins of less than ten percent, or discussing reallocating profits from NS to UP.
2. Produce all Documents and communications, created between January 1, 2025 and the present, Relating to any instance in which CSXT and NS were competing to participate in interline movement(s) to or from the same UP-served destination or origin, and UP's offer:
 - a. for its interline Rate, factor, or division to NS was lower than for its interline Rate, factor, or division to CSXT; or

- b. of a Rule 11 Rate to a shipper was lower if NS participated in the movement(s) (a) than its Rule 11 Rate if CSXT participated in the movement(s), or (b) than its interline Rate, factor, or division to CSXT.
- 3. Describe in detail any instance since January 1, 2025 in which CSXT and NS were competing to participate in interline movement(s) to or from the same UP-served destination or origin, and UP's offer:
 - a. for its interline Rate, factor, or division to NS was lower than for its interline Rate, factor, or division to CSXT; or
 - b. of a Rule 11 Rate to a shipper was lower if NS participated in the movement(s) (a) than its Rule 11 Rate if CSXT participated in the movement(s), or (b) than its interline Rate, factor, or division to CSXT.
- 4. Produce all communications, created between January 1, 2025 and the present, between Applicants reflecting or Relating to actual or proposed Rule 11 or interline Rates, divisions, or factors to serve {{ }}.
- 5. Produce all communications, created between January 1, 2025 and the present, between Applicants or between UP and/or NS and {{ }} Relating to Applicants' actual or proposed provision of interline rail transportation service to {{ }}.
- 6. Produce all contracts, private price quotes, or other agreements that were created or were in effect between January 1, 2025 and the present between UP and/or NS and {{ }} governing the provision of interline rail transportation services {{ }}.

7. Produce Documents or data sufficient to show Your actual pricing and complete routing, including interchange location, for rail transportation services provided to {{
}} for interline movements between {{
}} between January 1, 2025 and the present.
8. Produce all Documents and communications, created between January 1, 2025 and the present, Relating to any instance in which NS was competing to participate in interline movement(s) for {{
}} then served by UP and CSXT.
9. Produce all communications, created between January 1, 2025 and the present, between Applicants reflecting or Relating to actual or proposed Rule 11 or interline Rates, divisions, or factors to serve {{
}}, including interline movement(s) then served by UP and CSXT.
10. Produce all communications, created between January 1, 2025 and the present, between Applicants or between UP and/or NS and {{
}} Relating to Applicants' actual or proposed provision of interline rail transportation service to {{
}}, including for interline movements then served by UP and CSXT.
11. Produce all contracts, private price quotes, or other agreements that were created or were in effect between January 1, 2025 and the present between UP and/or NS and {{
}} governing the provision of interline rail transportation services.
12. Produce Documents or data sufficient to show Your actual pricing and complete routing, including interchange location, for rail transportation services provided to {{
}} for interline movements involving UP and CSXT or UP and NS.
13. Produce all Documents and communications, created between January 1, 2025 and the present, Relating to Union Pacific's actual or proposed participation in rail transportation

services for {{ }} vehicles or automotive parts pursuant to interline partnership with CSXT, including:

- a. any pricing, Rate, factor, division, or other commercial terms proposed, quoted, authorized, modified, or withdrawn by UP in connection with such service or proposal, including the internal basis and approval process for any change in price or terms; and
- b. any communications with NS regarding any actual or proposed interline or joint service between UP and CSXT for automotive or auto parts.

14. Produce Documents sufficient to show Applicants' pre- and post-Proposed Transaction Plans Relating to the shipping of any of the following products, including Applicants' revenues, Rates, and contribution margin from any movements Relating to such products:

- a. Chemicals
- b. Petrochemicals
- c. Plastics
- d. Manufactured products
- e. Liquified petroleum gases
- f. Petroleum products

15. Produce Documents sufficient to show the Applicants' pre- and post-Proposed Transaction Plans Relating to rail service through and between the following locations, Including investments in infrastructure and capacity, traffic forecasts, density charts, capacity studies or reports, changes expected to result from the Proposed Transaction that would impact any Person's costs to provide rail service through and between the locations, and all studies, Analyses, and reports regarding expected or potential impacts

of the Proposed Transaction on Rates and service for traffic moving through and between the locations:

- a. Back Belt line in New Orleans, Louisiana
- b. NOLA Gateway in New Orleans, Louisiana
- c. The Joint Line from Dolton, IL to Woodland Junction, IL

16. Produce Documents related to Applicants' projected intermodal growth, including Applicants' plan for the NS Intermodal Terminal in Greencastle, Pennsylvania.

17. Describe each Applicant's pre- and post-Proposed Transaction Plans or strategies around pricing or selling rail services to customers for multiple routes in one package or agreement.

18. State each Applicant's capacity for intermodal traffic in and around Dallas, Texas, Including how many routes in and around Dallas, Texas each Applicant operates, the number of cars in service each Applicant has operating in and around Dallas, Texas, the miles of track that each Applicant owns or has usage or trackage rights to in and around Dallas, Texas, and the number of interchange facilities or gateways each Applicant owns or operates in and around Dallas, Texas.

19. Produce all Documents and communications reflecting Applicants' post-transaction plans, strategies, analyses, or proposals concerning the distribution, supply, allocation, repositioning, or availability of specialized rail equipment, including:

- a. Applicants' post-transaction ability to influence or control the supply, positioning, timing, or availability of empty or repositioned specialized equipment to specific origins, destinations, shippers, corridors, or competing rail carriers; or

- b. any plans to prioritize or favor the supply of such equipment to Applicants' own single-line movements, customers, or logistics affiliates over those of other carriers, pooling partners, or interline partners.
- 20. Produce all Documents and communications reflecting Applicants' post-transaction plans, strategies, or analyses Relating to their participation in TTX owned or managed pooling agreements, including:
 - a. Any plans to withdraw from the pooling agreements;
 - b. Any plans to reduce or transfer contributed equipment;
 - c. Any assessment of how the Proposed Transaction would affect the distribution of empty cars to other pooling participants, or the competitive consequences for any changes to Applicants' pooling behavior.
- 21. Identify any shippers with whom You have discussed or agreed to any discounts, contract extensions, or any other economic value or concession in connection with or related to the shipper's support for or non-opposition to the Proposed Transaction.
- 22. Produce all Documents and communications between Applicants and Canadian National regarding Applicants and Canadian National's agreement, announced on July 22, 2026 that should the Proposed Transaction be approved by the STB, Canadian National will acquire NS's ownership interests in the Kansas City Terminal Railway Company and the Terminal Railroad Association of St. Louis.
- 23. Produce all Documents and communications between Applicants and Canadian National regarding Applicants and Canadian National's agreement, announced on July 22, 2026, that should the Proposed Transaction be approved by the STB, Canadian National receive overhead rights between Tuscola, Illinois and East St. Louis, Illinois, and rights to serve

customers between St. Louis, Missouri, and Kansas City, Missouri, including rights to use Union Pacific's Neff Yard.

24. Produce all Documents and communications between Union Pacific and Canadian National regarding Union Pacific and Canadian National's agreement, announced on July 22, 2026, that Union Pacific will receive expanded operating rights over Canadian National's Elgin, Joliet & Eastern Railway corridor through Chicago and Canadian National will receive new rights over Union Pacific's network between Memphis, Tennessee, and Eagle Pass, Texas, including any Documents or communications about what Union Pacific's Plans are with regard to those expanded operating rights over Canadian National's Elgin, Joliet & Eastern Railway corridor.
25. Produce all Documents, including but not limited to strategic planning documents, marketing presentations, and internal competitive analyses, created between January 1, 2020 and the present, in which UP describes, quantifies, or promotes its market share, network density, competitive position, contribution and/or profit margin, or strategic importance in the Gulf Coast region or with respect to chemicals, petrochemicals, plastics, liquefied petroleum gases, or petroleum products traffic, including any

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REDACTED PUBLIC VERSION

Document in which UP represents that it holds a dominant, leading, or uniquely advantaged position for such traffic or in such geography.

Respectfully submitted,

/s/ Eric P. Enson

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Dated: August 14, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2026, I have caused the foregoing CSX TRANSPORTATION, INC. THIRD SET OF DISCOVERY REQUESTS TO UNION PACIFIC RAILROAD CORPORATION, UNION PACIFIC RAILROAD COMPANY, NORFOLK SOUTHERN CORPORATION, AND NORFOLK SOUTHERN RAILWAY COMPANY to be served electronically or by first class mail on all parties of record in this proceeding.

/s/ Eric P. Enson

Eric P. Enson

Attorney for CSX Transportation, Inc.