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By E-Filing

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

ENTERED
Office of Chief Counsel
September 15, 2026
Part of
Public Record

September 15, 2026

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

Dear Judge Soulikias:

With respect to Section II of CSXT’s Motion to Compel (CSXT-26), which seeks an order compelling production of documents responsive to Requests 4–13 of CSXT’s Third Set of Discovery Requests, there is no need for Your Honor to decide this dispute because Applicants have already agreed to conduct reasonable searches to identify documents responsive to these requests. *See* Exhibit 1, September 15, 2026 Letter.

Although this discovery dispute is resolved, Applicants wish to make clear that the allegations of improper pre-merger coordination underlying CSXT’s requests for discovery are baseless and—as CSXT is well aware—are contradicted by Union Pacific’s ongoing efforts to partner with CSXT to compete for or to retain business. Instead of articulating any factual support for its fishing expedition, CSXT theorizes that Applicants “may already be” coordinating, which “may be, in select instances” resulting in premature control, which in turn “would be indicative” of anticompetitive behavior if true. *See* Mot. at 4–5. However, CSXT offers nothing to substantiate any of the links in this speculative chain. To the contrary, CSXT is fully aware of evidence that refutes these allegations because Union Pacific is directly engaged with CSXT personnel in substantial and continuing efforts to retain and grow the Union Pacific-CSXT interline business even as Union Pacific pursues authorization to merge with Norfolk Southern. *See* Exhibit 1.

Nonetheless, to resolve this dispute, despite the absence of any articulated basis to support the invasive discovery that CSXT seeks, Applicants have agreed to conduct reasonable searches in response to CSXT’s Request Nos. 4–13, consistent the letter that Union Pacific sent to CSXT on Monday, September 14. *See* Exhibit 1.

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Respectfully submitted,

/s/ Laura Flahive Wu
Michael L. Rosenthal
Derek Ludwin
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CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of September, 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 1

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By Electronic Mail

September 15, 2026

Eric P. Enson
Crowell & Moring LLP
515 South Flower Street
41st Floor
Los Angeles, CA 90071

Re: CSXT's 3rd Set of Discovery Requests

Dear Eric:

Your allegation in CSXT's September 10 motion to compel that Applicants "may already be manipulating their pricing and marrying their economics" is baseless and false. Numerous CSXT employees and UP employees work on a day-to-day basis to retain and grow interline business. We understand that CSXT employees who can confirm the close, continuing relationship between UP and CSXT specifically with regard to the customers identified in CSXT's discovery requests include {{[REDACTED]}}

UP's close cooperation with CSXT has resulted in successful efforts to grow the UP-CSXT interline service. For example, {{[REDACTED]}}. As another example, {{[REDACTED]}}.

We continue to think that your requests are unduly burdensome, disproportionate to the needs of this proceeding, and seek irrelevant information. However, given the nature of your allegations, we will conduct reasonable searches to identify documents or information responsive to Requests 4-13 for the period January 1, 2025 to August 14, 2026 as described below, and produce the responsive, non-privileged documents we locate.

A. Request No. 4 — Communications between Applicants reflecting Rule 11 or interline Rates, divisions, or factors to serve {{[REDACTED]}}

UP will conduct a reasonable search for responsive, non-privileged documents sufficient to show communications between UP and NS regarding actual or proposed Rule 11 or interline rates, divisions or factors to serve {{[REDACTED]}}.

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B. Request No. 5 — Communications between Applicants or between UP and/or NS and {{[REDACTED]}} regarding Applicants' actual or proposed provision of interline rail transportation service to {{[REDACTED]}}

UP will conduct a reasonable search for responsive, non-privileged documents sufficient to show any discussions between UP and NS, or between UP and {{[REDACTED]}} relating to the pricing of actual or proposed interline rail transportation service to {{[REDACTED]}}.

C. Request No. 6 — Contracts, private price quotes, or other agreements between UP and/or NS and {{[REDACTED]}} governing the provision of interline rail transportation services {{[REDACTED]}}

UP will conduct a reasonable search for responsive, non-privileged contracts, private price quotes, or other agreements that were created or were in effect between January 1, 2025 and August 14, 2026 between UP and/or NS and {{[REDACTED]}} governing the provision of interline rail transportation services {{[REDACTED]}}.

D. Request No. 7 — Documents or data sufficient to show Your actual pricing and complete routing, including interchange location, for rail transportation services provided to {{[REDACTED]}} for interline movements between {{[REDACTED]}}

UP will conduct a reasonable search for responsive, non-privileged documents or data responsive to Request No. 7.

E. Request No. 8 — Documents and communications regarding any instance in which NS was competing to participate in interline movement(s) for {{[REDACTED]}} then served by UP and CSXT.

UP will conduct a reasonable search for responsive, non-privileged documents sufficient to show any instance in which NS was competing to participate in interline movement(s) for {{[REDACTED]}} then served by UP and CSXT.

F. Request No. 9 — Communications between Applicants reflecting actual or proposed Rule 11 or interline Rates, divisions, or factors to serve {{[REDACTED]}}, including interline movement(s) then served by UP and CSXT.

UP will conduct a reasonable search for responsive, non-privileged documents sufficient to show communications between UP and NS regarding actual or proposed Rule 11 or interline rates, divisions or factors to serve {{[REDACTED]}}.

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- G. Request No. 10 — Communications between Applicants or between UP and/or NS and {{REDACTED}} regarding Applicants' actual or proposed provision of interline rail transportation service to {{REDACTED}}, including for interline movements then served by UP and CSXT.**

UP will conduct a reasonable search for responsive, non-privileged documents sufficient to show any discussions between UP and NS, or between UP and {{REDACTED}}, relating to the pricing of actual or proposed interline rail transportation service to {{REDACTED}} for interline movements then served by UP and CSXT.

- H. Request No. 11 — Contracts, private price quotes, or other agreements between UP and/or NS and {{REDACTED}} governing the provision of interline rail transportation services.**

UP will conduct a reasonable search for responsive, non-privileged contracts, private price quotes, or other agreements between UP and/or NS and {{REDACTED}} governing the provision of interline rail transportation services.

- I. Request No. 12 — Documents or data sufficient to show Your actual pricing and complete routing, including interchange location, for rail transportation services provided to {{REDACTED}} for interline movements involving UP and CSXT or UP and NS.**

UP will conduct a reasonable search for responsive, non-privileged documents or data responsive to Request No. 12.

- J. Request No. 13 — Documents and communications regarding Union Pacific's actual or proposed participation in rail transportation services for {{REDACTED}} vehicles or automotive parts pursuant to interline partnership with CSXT.**

UP will conduct a reasonable search for (a) responsive, non-privileged documents sufficient to show UP's decision-making with respect to pricing, rate, factor, division, or other commercial terms proposed, quoted, authorized, modified, or withdrawn by UP for the actual or proposed participation in rail transportation services for {{REDACTED}} vehicles or automotive parts pursuant to interline partnership with CSXT, and (b) responsive, non-privileged documents or communications between UP and NS regarding any actual or proposed interline or joint service between UP and CSXT for automotive or auto parts for {{REDACTED}}.

Sincerely,

/s/ Kevin Kelly

Kevin M. Kelly