

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-202-956-7500
FACSIMILE: 1-202-956-7676
WWW.SULLCROM.COM

312639

ENTERED
Office of Chief Counsel
October 1, 2026
Part of
Public Record

*1700 New York Avenue, N.W.
Suite 700
Washington, D.C. 20006-5215*

NEW YORK • LOS ANGELES • PALO ALTO
BRUSSELS • FRANKFURT • LONDON • PARIS
BEIJING • HONG KONG • TOKYO
MELBOURNE • SYDNEY

October 1, 2026

By Electronic Filing

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

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

Dear Judge Soulikias:

CPKC writes to provide its first regular update regarding its responses to discovery requests in this proceeding.

To date, CPKC has received 29 discovery requests from Applicants and continues to confer regarding the scope of responsive materials. To facilitate efficient discovery, on September 24, CPKC proposed a list of custodians for whom it intends to conduct searches. CPKC also agreed (1) by October 5, to identify the requests for which it will conduct custodial searches and propose applicable date ranges; and (2) to endeavor to provide proposed search terms and hit counts as soon as practicable, with a target date of October 16. CPKC intends to use a review process that includes technology-assisted review and will provide further details as the review develops.

CPKC has made three rolling productions thus far. CPKC intends to make its next rolling production no later than October 16, 2026. CPKC will continue to make rolling productions until production is complete. On top of the 2019-2025 traffic tape and waybill data CPKC exchanged with Applicants last fall, CPKC has made an initial production of responsive, noncustodial documents as well as over 700 GBs of data.

The chart below summarizes the material CPKC has produced to date.

CPKC Prod. Vol.	Prod. Date	Description
1	Sept. 16, 2026	• Train Event Data from CP, KCS, KCS Mexico (“KCSM”) and combined CPKC covering the period 2019-2025 (depending on the entity). • Railcar Event Data and Movement Records from CP, KCS, KCSM and combined CPKC covering the period 2019-2025 (depending on the entity). • Intermodal/Container Event Data from CP, KCS, KCSM and combined CPKC covering the period 2019-2025 (depending on the entity).
2	Sept. 18, 2026	• Reciprocal Switching Data from CP, KCS, KCS Mexico (“KCSM”) and combined CPKC covering the period 2019-2025 (depending on the entity).
3	Sept. 21, 2026	• Customer outreach materials, including customer feedback tracker and customer messaging materials. • Presentations addressing CPKC’s business and growth strategy and its position on the proposed merger. • Documents, including CPKC Board presentations and minutes, concerning CPKC’s strategic analysis of the potential merger, including CPKC’s possible responses to the merger, synergy estimates, and downstream effects.

Sincerely,

/s/ Joseph J. Matelis

Joseph J. Matelis

Counsel for CPKC

cc: All Parties of Record

CERTIFICATE OF SERVICE

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

/s/ Kiera S. Judge
Kiera S. Judge