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October 8, 2026

BY ELECTRONIC FILING

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

ENTERED
Office of Chief Counsel
October 8, 2026
Part of
Public Record

**Re: Finance Docket No. 36873 – Notice of Filing Proposed Subpoena for
 Depositions of John Orr & Lance Fritz**

Dear Judge Soulikias:

In accord with Your Honor's Order, Decision No. 39, at 2-7 (served October 1, 2026), and directive at the October 2 discovery conference, 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 and counsel for John Orr have conferred concerning the date and time of Mr. Orr's deposition, and have agreed that Mr. Orr's deposition will take place on October 22, 2026 at 9:00 AM prevailing Eastern Time at the offices of Sullivan & Cromwell LLP, 1700 New York Avenue, N.W., Suite 700, Washington D.C. 20006. Accordingly, CPKC respectfully requests that Your Honor issue the proposed subpoena for the deposition of Mr. Orr attached hereto as Exhibit A.

CPKC has also attempted to find an agreeable date and time for the deposition of Lance Fritz with his counsel (who also represent UP). CPKC sent follow-up requests about Mr. Fritz's availability and his preferred location on October 2 and October 7. Mr. Fritz's / UP's counsel has not responded. In view of that non-response and to ensure that the deposition of Mr. Fritz occurs "sufficiently in advance of the deadline for filing comments," Decision No. 39 at 7, CPKC respectfully requests that Your Honor issue the proposed subpoena attached hereto as Exhibit B,

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.

which provides that Mr. Fritz's deposition will take place at the offices of Kutak Rock LLP, 1650 Farnam Street, Omaha, NE 68102 at 8:00 AM prevailing Central Time October 22, 2026. That is where depositions of UP executives have taken place in this proceeding. If that venue and time are inconvenient for Mr. Fritz, CPKC reaffirms that it is willing to meet and confer about a time and place more convenient for Mr. Fritz, consistent with the procedures set forth in Decision No. 24 (served June 18, 2026).

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 8th day of October 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

SUBPOENA TO JOHN ORR FOR DEPOSITION TESTIMONY

To: John Orr
c/o Cody Reaves
Torridon Law
801 17th St NW
Suite 1100
Washington, DC 20006

Pursuant to the rules of the Surface Transportation Board governing discovery, 49 C.F.R. § 1114, *et seq.*, the Board's statutory authority to subpoena witnesses, 49 U.S.C. § 1321, and by Order of the Board:

YOU ARE HEREBY COMMANDED to appear, unless otherwise agreed by the parties, at the offices of Sullivan & Cromwell, 1700 New York Avenue, N.W., Suite 700, Washington D.C. 20006 at 9:00 AM prevailing Eastern Time October 22, 2026, to provide testimony by oral deposition at the request of Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City and CPKC, on behalf of itself and its U.S. rail carrier subsidiaries, in the above-captioned proceeding. The date, time and location of the deposition may be modified by mutual agreement, consistent with the procedures for scheduling depositions set forth in the Discovery

Guidelines entered in the above-captioned proceeding. *See* Decision No. 24 (served June 18, 2026). The deposition will be in person and recorded by stenographic means and videotape. The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths. The deposition is anticipated to be completed within seven hours.

DATED:

Administrative Law Judge Jenifer J. Soulikias: _____

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

SUBPOENA TO LANCE FRITZ FOR DEPOSITION TESTIMONY

To: Lance Fritz
c/o Laura Flahive Wu
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001

Pursuant to the rules of the Surface Transportation Board governing discovery, 49 C.F.R. § 1114, *et seq.*, the Board's statutory authority to subpoena witnesses, 49 U.S.C. § 1321, and by Order of the Board:

YOU ARE HEREBY COMMANDED to appear, unless otherwise agreed by the parties, at the offices of Kutak Rock LLP, 1650 Farnam Street, Omaha, NE 68102 at 8:00 AM prevailing Central Time October 22, 2026, to provide testimony by oral deposition at the request of Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City and CPKC, on behalf of itself and its U.S. rail carrier subsidiaries, in the above-captioned proceeding. The date, time and location of the deposition may be modified by mutual agreement, consistent with the procedures for scheduling depositions set forth in the Discovery Guidelines entered in the above-captioned

proceeding. *See* Decision No. 24 (served June 18, 2026). The deposition will be in person and recorded by stenographic means and videotape. The deposition will be taken before a Notary Public or other officer authorized by law to administer oaths. The deposition is anticipated to be completed within seven hours.

DATED:

Administrative Law Judge Jenifer J. Soulikias: _____