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October 27, 2026

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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 27, 2026
Part of
Public Record

Re: *Docket No. FD 36873 - Union Pacific Corporation and Union Pacific Railroad Company – Control – Norfolk Southern Corporation and Norfolk Southern Railway Company*

Dear Judge Soulikias:

Grand Trunk Corporation and its U.S. rail operating subsidiaries[1] (collectively, "CN") respectfully submit this letter in response to CSX Transportation, Inc.'s ("CSXT") October 22, 2026 motion to compel the production of documents by Union Pacific ("UP") (CSXT-38). CSXT seeks all documents and communications between UP and CN regarding the July 22, 2026 memorandum of understanding concerning rights for UP over CN's EJ&E line and for CN over UP's lines between Memphis, Tennessee, and Eagle Pass, Texas (the "Commercial MOU"). Although the motion is not directed at CN, CN plainly has an interest in its outcome and believes the motion should be denied.

Whatever marginal probative value the negotiation communications might have is far outweighed by the risk of harm their disclosure would cause. The Commercial MOU is not a final agreement; it commits the parties to negotiate definitive agreements, and those negotiations remain ongoing. The communications CSXT seeks reflect proposals, positions, and commercial terms exchanged between two railroads in the midst of active negotiations—terms that remain in flux and may never be adopted. Requiring disclosure of that highly sensitive information to competitor railroads (or even to outside counsel) before the definitive agreements are finalized would risk real

[1] Bessemer and Lake Erie Railroad Company, Cedar River Railroad Company, Chicago, Central & Pacific Railroad Company, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Iowa Northern Railway Company, The Pittsburgh & Conneaut Dock Company, and Wisconsin Central Ltd.

competitive harm to CN, notwithstanding CN's confidence in the Protective Order. By contrast, the value of that information to CSXT is minimal: UP has already produced the executed Commercial MOU, and the operating terms that matter will be those set out in the definitive agreements.

For this reason, CN respectfully requests that Your Honor deny CSXT's motion to compel.

Respectfully submitted,

/s/ Sara Y. Razi
Sara Y. Razi

CERTIFICATE OF SERVICE

I hereby certify that, on this 27th day of October, 2026, I caused a true and correct copy of the foregoing to be served by first-class mail or email on all parties of record in this proceeding, the Secretary of Transportation, the Attorney General, and Administrative Law Judge Jenifer J. Soulikias.

/s/ Andrew Bernstein
Andrew Bernstein
Simpson Thacher & Bartlett LLP