October 28, 2026
312755

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

BNSF-67/CPKC-63/CSXT-39

ENTERED
Office of Chief Counsel
October 28, 2026
Part of
Public Record

Re: STB Docket No. FD 36873 – Issues for Resolution at October 30 Conference

Dear Judge Soulikias:

BNSF, CPKC, and CSXT write regarding the agenda for the October 30 conference.

As Your Honor raised at the last hearing, there is a discovery conference currently scheduled for Friday, November 27. BNSF, CPKC, and CSXT are amenable to cancelling the November 27 hearing, provided Your Honor and Applicants agree with cancelling it. If a hearing proceeds during Thanksgiving week, BNSF, CPKC, and CSXT propose that it occur Wednesday, November 25—with an adjustment to the briefing schedule applicable to that hearing.

I. CSXT's Motion to Compel Communications Concerning the UP-CN Agreement (CSXT-38)

CSXT moved to compel UP to produce communications concerning UP and CN's agreement that will provide (i) UP with expanded operating rights over CN's EJ&E Railway corridor in Chicago, and (ii) provide CN with new rights over UP's network. CSXT-38. CSXT argued these materials are relevant to, among other things, assessing whether interline collaboration can achieve similar benefits to a merger, as well as impacts to the Operating Plan that Applicants have put before the Board. *Id.* at 2-3. UP[1] and CN oppose the motion.

If UP and CN agree, CSXT would be willing to submit this motion to Your Honor on the briefs and without oral argument.

LIST OF ATTENDEES

A. BNSF

1. Dan Donovan
2. McClain Thompson
3. Tim Strafford

[1] In its submission in opposition to CSXT's motion, UP claimed that it will produce the "Definitive Agreements" between it and CN once they are finalized. UP-122 at 1. While UP should produce those Definitive Agreements, they alone would not be sufficient for the reasons explained in CSXT's motion.

B. CSXT

1. Eric Enson
2. John Scheib
3. Luke van Houwelingen
4. Eric Fanchiang

C. CPKC

1. Joseph J. Matelis
2. David L. Meyer
3. Noah P. M. Stern

Based on recent hearings:

A. Union Pacific

1. Michael Rosenthal
2. Laura Flahive Wu
3. Kevin Kelly

B. Norfolk Southern

1. Matthew Warren
2. Carrie Mahan
3. Stephen Laudone
4. William Mullins
5. Spencer Naake

Respectfully,

/s/ Dan Donovan
Daniel T. Donovan, P.C.
KIRKLAND & ELLIS LLP
Counsel for BNSF Railway Company

/s/ Joseph J. Matelis
Joseph J. Matelis
SULLIVAN & CROMWELL LLP
Counsel for CPKC

/s/ Eric Enson
Eric Enson
CROWELL & MORING LLP
Counsel for CSXT

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, Applicants' representatives, Administrative Law Judge Jenifer Soulikias, and all parties of record in this proceeding.

/s/ Onika Williams
Attorney for BNSF Railway Company
October 28, 2026