Eric Fanchiang
EFanchiang@crowell.com
(949) 798-1338 direct

Crowell & Moring LLP
3 Park Plaza
20th Floor
Irvine, CA 92614
+1.949.263.8400 main
+1.949.263.8414 fax

CSXT-40

October 30, 2026

312777

ENTERED
Office of Chief Counsel
October 30, 2026
Part of
Public Record

By E-Filing

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

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

Dear Judge Soulikias:

CSX Transportation, Inc. ("CSXT") writes to provide its third update regarding its response to Applicants' discovery requests in this proceeding.

To date, CSXT has received thirty-three discovery requests from Applicants. CSXT has agreed to produce documents in response to a number of those discovery requests, including the data-related requests, and has begun to produce materials in response to those agreed-upon requests. CSXT has also provided Applicants with a custodial search term proposal along with a search term hit count report. CSXT has met and conferred with Applicants regarding the proposal and will continue to do so.

CSXT wishes to clarify one factual point in the October 23, 2026 ruling concerning the Berkshire Hathaway subpoena dispute. The Order states that "CSX's CEO will be deposed." *Union Pac. Corp.–Control–Norfolk S. Corp.*, Decision No. 43, FD 36873 (S.T.B. served October 23, 2026), slip op. at 7. CSXT is continuing to meet and confer with Applicants regarding which CSXT personnel would be appropriate document custodians and deponents. CSXT has not yet agreed, however, to produce either its current or former CEO for deposition.

CSXT has produced approximately 174 gigabytes of data thus far. Additionally, CSXT has begun producing documents responsive to Applicants' First Set of Discovery Requests. CSXT will continue to make rolling productions until production is complete.

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

CSXT Prod. Vol.	Prod. Date	Description
DATA_001 – DATA_015	Sept. 18, 2026	Car and train event data covering the period 2019-2025.
DATA_016 – DATA_018	Oct. 15, 2026	Car and train event data; interchange data; and switching data.
DOC_001	Oct. 16, 2026	Documents responsive to Applicants' First Set of Discovery Requests.

Sincerely,

/s/ *Eric Fanchiang*
Attorney for CSX Transportation, Inc.

cc: Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2026, I have caused the foregoing document 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/ *Eric Fanchiang*
Attorney for CSX Transportation, Inc.