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By E-Filing

November 5, 2026

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

312807

ENTERED
Office of Chief Counsel
November 5, 2026
Part of
Public Record

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

Dear Judge Soulikias:

This Motion asks Your Honor to order CSX to conduct its custodial document searches using the custodians, date ranges, and search terms that Applicants have proposed, as set forth in **Appendix A**. Despite an extensive meet-and-confer process, the searches that CSX has agreed to conduct are deficient in three principal respects: (1) they exclude the files of multiple custodians with relevant documents; (2) they use an unreasonable time period for requests seeking ordinary course documents; and (3) they rely on an insufficient set of search terms.

I. BACKGROUND

On September 11, Applicants asked CSX to disclose its search parameters and identified fourteen individuals likely to possess responsive documents: Messrs. Angel, Boone, Cory, Smith, Livingston, Flippin, Bezar, Foote, Hinrichs, Pelkey, Harris, Boychuk, and Wallace, and Ms. Kenney. *See* Ex. A at 5. CSX responded that it "has not agreed that custodial searches are required" and that Applicants' requests were "extremely premature." *Id.* at 3. After Applicants sought relief, Your Honor ordered CSX to disclose its proposed search parameters and hit counts. *See* UP-110/NS-111; Decision No. 41 at 3.

On October 13, CSX proposed collecting documents from three custodians Applicants had identified (Mr. Angel, Ms. Kenney, and Mr. Smith) and one other individual (Christopher Maffett). Ex. B at 1. CSX confirmed that "there is data for the CSXT custodians identified in [Applicants'] September 11, 2026 email, including for former employees," but stated that it was "still exploring the burden associated with collecting and producing data from former employees." *Id.* CSX proposed six search strings, only one of which was intended to identify documents responsive to impacts of the Proposed Transaction and which CSX proposed to run only on documents dated July 29, 2025, to February 17, 2026. *Id.* at 1–2. CSX proposed a date range of July 29, 2024, to February 17, 2026, for other searches. *Id.*

On October 22, after Applicants had made a counterproposal, CSX agreed to add three more custodians (Mr. Boone, Mr. Hinrichs, and Casey Albright, whom CSX proposed in lieu of Mr. Cory), and agreed to a date range of July 29, 2024, to February 17, 2026, for all agreed-upon search terms. *See* Ex. C. On November 2, CSX confirmed that its "internal name for its merger analysis was 'Project Max,'" and provided hit counts for Applicants' proposed search terms, along with terms that CSX "may agree to conduct." Ex. D. CSX stated that it was "willing to consider going back through 2023 on specific requests," but maintained that its custodian list was sufficient. *Id.* at 1. Because CSX's final proposal remains insufficient, this Motion followed.

Non-Applicants' responsive applications and "comments, protests, requests for conditions, and any other evidence and argument in opposition to" the proposed merger are due on November 18, 2026, and Applicants' responses and rebuttals are due on February 16, 2027. Decision No. 30 at 13. Applicants have noticed depositions of CSX witnesses beginning in December 2026, and CSX has offered January 12 and January 21 for the depositions of Mr. Maffett and Ms. Kenney, respectively. *See* UP-110/NS-111 at 2; Ex. B. CSX has not offered deposition dates for any other witnesses.

II. ARGUMENT

CSX's proposed search parameters are deficient in multiple respects, as set forth below.

A. CSX Omits Custodians With Unique, Relevant Documents.

Former Senior Executives. Your Honor should direct CSX to produce documents from the key former executives Applicants have identified. Mr. Pelkey served as CSX's Chief Financial Officer from January 2022 until October 2025. *See* App'x A. He held that position when the Proposed Transaction was announced on July 29, 2025, and he therefore possesses documents relating to CSX's assessment of and response to it, in addition to ordinary course documents. *Id.* Mr. Bezar served as CSX's Chief Strategy Officer beginning in May 2019 and has documents relating to CSX's strategic assessment of the Proposed Transaction, as well as documents relating to rail industry competitive dynamics and consolidation. *See id.* Mr. Boychuk served as CSX's Executive Vice President of Operations from October 2019 until August 2023, and his files will reflect CSX's ordinary course assessment of network operations, service design, and the efficiencies achievable through operational improvements without a merger. *Id.* Mr. Harris preceded Mr. Boychuk as Executive Vice President of Operations, serving from January 2018 to 2020 with responsibility for mechanical, engineering, transportation, and network operations across CSX's network. *Id.*

CSX has not shown that retrieving these former employees' files would involve any technical issue that could not be resolved. *Cf.* Decision No. 31 at 2–3. Moreover, Your Honor ordered Union Pacific to search its former CEO's legacy files because the relevance of his "comments or observations" outweighed the burden. *Id.* at 9. That reasoning applies with equal force to Mr. Pelkey, who held the CFO position when the Proposed Transaction was announced, and to Mr. Cory, whom CSX proposes to replace with Ms. Albright only because Mr. Cory "has

announced his resignation from CSX." Ex. C at 1. A custodian's departure does not make his files any less relevant.

Government Affairs Personnel. As Vice President of Government and Community Affairs and Assistant Vice President of Federal Affairs, respectively, Messrs. Livingston and Flippin have documents relating to CSX's communications with the Board, members of Congress, and other government officials regarding the Proposed Transaction, including CSX's advocacy positions, regulatory strategy, and coordination with other stakeholders. *See* App'x A. Their files are relevant and should be searched.

B. CSX's Date Range Excludes Relevant Ordinary Course Materials.

CSX's July 29, 2024 start date is too late for searches seeking ordinary course documents, such as those responsive to Requests 11 and 22–29 concerning CSX's pricing and growth strategies, negotiating practices, and facilities. *See* Exs. B–E. Your Honor has held that information from "a few years before the proposed transaction was announced is relevant" and that "[c]orresponding information and data from non-Applicants is proportional." Decision No. 31 at 3. CSX has stated that it is "willing to *consider* going back through 2023 on specific requests," Ex. D, but that is neither a firm commitment nor sufficient because it would exclude four years of relevant materials. A January 1, 2019 start date should apply to all searches seeking ordinary course documents.

C. CSX's Search Terms Are Insufficient.

CSX initially proposed to conduct only a single search to identify documents responsive to requests concerning impacts of the Proposed Transaction (i.e., Requests 3–9, 12–15, and 17). Ex. B. That search was far too narrow and would have excluded documents relating to particular potential effects, such as effects relating to gateways, interchange volumes, traffic diversion, pricing, or service. Confirming the inadequacy of the single-search approach, CSX admitted that its search returned only 727 hits across four key custodians. Ex. E. For these reasons, Applicants proposed a series of subject-specific impact searches, which are akin to the searches Applicants ran on their own documents.

CSX's final proposal remains inadequate. Although CSX has agreed to run some of Applicants' impact terms, its restrictions on those terms would exclude key concepts. For example, CSX has objected to running searches concerning interline failures, interline pricing and efficiency, single-line and interline competition, and interchange alternatives, *see* App'x A, but all of those subjects are responsive to Request 17 (which seeks documents concerning the Proposed Transaction's impact on "interchange arrangements," "interline or joint line rates, services, or routes," and "interchange volumes, gateway usage") and to Request 12 (which encompasses impacts on CSX's "relationships with other railroads"). Similarly, searches concerning yard and facility rationalization and buffer capacity are responsive to other parts of Request 12 (impacts on CSX's "costs, expenses, operations, investments" and "service offerings") and Request 14 (projected "operating efficiencies" and impacts on CSX). Searches concerning board materials

and transcontinental and end-to-end combinations likewise are responsive to Requests 2–4 and Requests 10 and 11, which concern mergers CSX has considered, strategic responses to the Proposed Transaction, and rail industry consolidation. At CSX's request, Applicants agreed to run searches that mirrored many of these. *See* UP-64/NS-62 (attaching UP and NS custodial email search proposals) (CSX First Set Nos. 27–28).

CSX also has refused to run four broader impact searches (Searches 13, 14, 15, and 18) without offering narrower alternatives. Ex. D. Similar to the searches discussed above, nearly every component of these four searches tracks the text of Requests 11, 12, 14, and 17.

To address CSX's burden concerns, Applicants have narrowed multiple searches, including by replacing the "AND" connector with the twenty-five-word connector CSX proposed for other searches, and by cutting words that are most likely to generate irrelevant hits (such as "labor," "employment," "leverage," "shareholder*," "freight," and "trade"). *See* App'x A. Applicants additionally have removed the stand-alone term "UP" from every proposed string. *Id.*

CSX's remaining objections fare no better. For example:

- CSX insists on additional proximity connectors even for searches with modest hit counts—such as Search 6 (96 hits), Search 2 (195 hits), Search 5 (231 hits), Search 11 (826 hits), and Search 8 (1,257 hits)—where no narrowing is needed. Ex. D.

- CSX rejects Search 5 as duplicative of its narrower search relating to facilities and bids, but that search uses tighter connectors that would miss documents linking CSX's facility bids to UP or NS. *Id.*

- For Search 11, CSX's purported counterproposal simply repeats its Search 10 string and does not address interchange alternatives at all. *Id.*

- CSX refuses to run Search 16 concerning gateway traffic because a separate search addresses Committed Gateway Pricing, but Request 17 (to which this search is directed) expressly seeks documents concerning "gateway usage" and "interchange volumes," which a search limited to CGP and proportional rates would not capture. *Id.*

- Several of CSX's proposed search strings use proximity connectors narrower than those Applicants applied to their own documents. For example, CSX's growth strategy search requires "plan" or "strateg*" within ten words of a growth term, whereas Union Pacific's comparable search used a twenty-word connector. *Compare* Ex. D, *with* UP-73/NS-71, Ex. A. CSX also would narrow its pricing search to a three-word connector even though that search returned only 2,304 hits. Ex. D. CSX likewise proposes to narrow its search concerning other rail mergers from a ten-word connector—the connector CSX itself originally proposed—to five words. *Compare* Ex. B, *with* Ex. D.

* * *

For the reasons set forth above, Your Honor should order CSX to conduct its custodial document searches using Applicants' proposed parameters. Those parameters appropriately seek both transaction-related documents and ordinary course documents that Your Honor has recognized are "customary in Board merger proceedings." Decision No. 31 at 9. Applicants' proposed parameters also appropriately align with what Non-Applicants "sought and obtained from Applicants." *See id.* at 3. CSX, together with BNSF and CPKC, sought and obtained an order requiring Applicants to search the files of 36 Union Pacific custodians and 30 Norfolk Southern custodians. *See* BNSF-34/CSX-12/CPKC-28; Decision No. 25 at 2–3. Having demanded that discovery, CSX should not be permitted to limit its own search to seven custodians, a truncated period, and insufficient search strings.

III. CONCLUSION

For the foregoing reasons, Applicants respectfully request that Your Honor grant this Motion and enter an order directing CSX to conduct custodial document searches using the parameters in Appendix A.

Respectfully submitted,

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Appendix A
Applicants' Proposed Custodial Search Parameters[1]

I. Custodians

Name	Title	Relevance
Stephen Angel**	President and Chief Executive Officer	• As President and CEO, Angel has oversight of CSX's strategic direction, operations, and competitive positioning, including CSX's public opposition to the proposed transaction and its evaluation of alternative merger transactions. • Angel has knowledge of CSX's assessment of the merger's effects on eastern U.S. rail competition, CSX's evaluation of Applicants' claimed public benefits, and CSX's development of proposed competitive conditions and responsive applications. • Angel has publicly stated that CSX's customers "depend on a competitive and healthy freight rail system" and that the merger would create challenges and opportunities for CSX.
Kevin Boone**	Executive Vice President and Chief Financial Officer	• As CFO, Boone oversees CSX's financial operations, investor relations, procurement, tax, and treasury, and has extensive experience in finance, accounting, and mergers and acquisitions. • Boone has knowledge of CSX's financial and commercial assessment of the proposed merger, including CSX's evaluation of the merger's effects on rail pricing, shipper costs, and financial analyses supporting CSX's proposed competitive conditions and responsive applications. • Boone has publicly stated that the merger would affect CSX's established service partnerships, reasoning that those relationships have worked because there has not been one party in control.

[1] A double asterisk (**) indicates the aspects of these parameters that Applicants understand have been agreed upon with CSX.

Name	Title	Relevance
Michael Cory	Executive Vice President and Chief Operating Officer	• As COO, Cory oversees CSX's operations strategy and coordinates performance across the Transportation, Mechanical, and Engineering departments, with 39 years of railroad experience, including service as CN's EVP and COO. • Cory has knowledge of CSX's operational capabilities, network capacity, and service performance, and his experience implementing scheduled railroading at CN gives him unique knowledge of railroad integration and related service issues. • Cory has knowledge of CSX's assessment of the merger's operational effects, including impacts on interchange patterns, competitive service alternatives, network congestion, and potential service disruptions.
Eric Smith**	Head of Strategy	• As Head of Strategy, Smith leads CSX's response to the proposed UP-NS merger, with prior experience leading CSX's Industrial Products business and TRANSFLO transloading business. • Smith has knowledge of CSX's strategic assessment of the merger's impact, the analyses underlying CSX's characterization of the merger as causing "permanent, structural harm," and CSX's planned responsive applications, including the KC-ESL divestiture and Eastern Pennsylvania trackage rights.
Maryclare Kenney**	Senior Vice President and Chief Commercial Officer	• As CCO, Kenney leads CSX's commercial organization, overseeing growth strategies, customer service, and business development, with extensive experience in intermodal and automotive sales. • Kenney has knowledge of CSX's competitive position, customer relationships, pricing dynamics, and the alleged commercial impact the proposed merger would have on CSX's ability to compete for freight traffic, particularly intermodal movements. • Kenney has publicly stated that the merger would cause an imbalance in rail competition by eliminating options for shippers.

Name	Title	Relevance
Tom Livingston	Vice President, Government and Community Affairs	• Livingston serves as Vice President of Government and Community Affairs at CSX, overseeing the company's engagement with federal lawmakers, state legislatures, regulatory agencies, and community stakeholders across CSX's 23-state network. • Livingston has knowledge of CSX's communications with the STB, members of Congress, and other government officials regarding the proposed UP-NS merger, including CSX's advocacy positions, regulatory strategy, and coordination with other stakeholders.
Stephen Flippin	Assistant Vice President, Federal Affairs	• Flippin serves as Assistant Vice President of Federal Affairs at CSX, responsible for the company's engagement with federal legislators and regulatory bodies on transportation policy matters. • Flippin has knowledge of CSX's federal regulatory strategy and communications with the STB and Congress regarding the proposed UP-NS merger, including CSX's advocacy efforts and policy positions.
Farrukh Bezar	Former Senior Vice President and Chief Strategy Officer	• Bezar served as Senior Vice President and Chief Strategy Officer at CSX from May 2019, leading the development of strategic initiatives to support CSX's growth and value creation for customers and shareholders. • Bezar has more than 25 years of strategic leadership experience in the transportation and logistics industry, including prior experience at the Atchison, Topeka and Santa Fe Railway Company, giving him broad knowledge of rail industry competitive dynamics and consolidation. • Bezar has knowledge of CSX's strategic assessment of and response to the proposed UP-NS merger, including CSX's internal analyses of the merger's anticipated impact on CSX's competitive position and ability to serve its customers.
James Foote	Former President and Chief	• Foote served as President and CEO of CSX from December 2017 until September 2022, leading CSX through its

Name	Title	Relevance
	Executive Officer	implementation of precision scheduled railroading and achieving record operating and financial performance. • Foote had more than 40 years of diverse railroad industry experience in operations, marketing, and finance, including senior roles at Canadian National Railway, giving him direct experience with Class I railroad competitive dynamics and regulatory matters. • Foote has historical knowledge of CSX's strategic direction, competitive positioning, and assessment of rail industry consolidation, including CSX's evaluation of the merger landscape and competitive dynamics among Class I railroads.
Joseph Hinrichs**	Former President and Chief Executive Officer	• Hinrichs served as President and CEO of CSX from September 2022 until September 2025, succeeding James Foote and overseeing CSX's continued execution of its operating model and growth strategies. • Hinrichs has knowledge of CSX's assessment of and response to the proposed UP-NS merger, including CSX's strategic analysis of the merger's anticipated impact on CSX's competitive position, network operations, and ability to serve its customers. • Hinrichs has direct knowledge of the regulatory standards applicable to major rail mergers through his oversight of CSX's regulatory affairs and engagement with the STB and other government officials regarding industry consolidation matters.
Sean Pelkey	Former Executive Vice President and Chief Financial Officer	• Pelkey served as Executive Vice President and Chief Financial Officer at CSX from January 2022 until October 2025, overseeing all financial operations, including accounting, financial planning, investor relations, procurement, tax, and treasury. • Pelkey joined CSX in 2005 and held various positions in capital markets, performance analysis, IT finance, and investor relations, giving him deep institutional knowledge of CSX's financial operations and competitive position.

Name	Title	Relevance
		• Pelkey has knowledge of CSX's financial assessment of and response to the proposed UP-NS merger, including CSX's internal financial analyses of the merger's anticipated impact on revenues, pricing, shipper costs, and competitive position.
Edmond Harris	Former Executive Vice President of Operations	• Harris served as Executive Vice President of Operations at CSX from January 2018 to 2020, responsible for mechanical, engineering, transportation, and network operations across CSX's 20,000-mile network. • Harris has more than 40 years of railroad industry experience in an operating capacity, including nearly two decades at Illinois Central and Canadian National, and served as Chief Operating Officer at Canadian Pacific from 2010 to 2012, giving him direct experience implementing precision scheduled railroading at multiple Class I railroads. • Harris has knowledge of CSX's operational assessment of rail industry consolidation, including network operations, service performance, and competitive position.
Jamie Boychuk	Former Executive Vice President of Operations	• Boychuk served as Executive Vice President of Operations at CSX from October 2019 until August 2023, responsible for transportation, mechanical, engineering, intermodal, and network operations. • Boychuk joined CSX in 2017 and played a key role in the implementation of scheduled railroading, previously serving as Vice President of Scheduled Railroading and Senior Vice President of Network Operations, driving improvements in network fluidity and service performance. • In his role at CSX, Boychuk had knowledge of CSX's operational assessment of rail industry dynamics, including network operations, service design, and the efficiencies achievable through operational improvements without a merger.
Mark Wallace	Former Executive Vice	• Wallace served as Executive Vice President, Sales and Marketing at CSX from July 2018 until his passing in November 2021, delivering strategies that advanced CSX's

Name	Title	Relevance
	President, Sales and Marketing	sales and marketing organization and helping the company capitalize on service improvements. • Wallace worked in the railroad industry for 25 years, including service at Canadian National Railway and Canadian Pacific Railway alongside E. Hunter Harrison, giving him deep knowledge of Class I railroad commercial strategy, customer relationships, and competitive positioning. • In his role at CSX, Wallace had historical knowledge of CSX's commercial assessment of the rail industry landscape, including shipper options, pricing dynamics, and interline service arrangements.
Christopher Maffett**	Senior Director - Short Line & Intercarrier Strategy	• CSX proposed Maffett as a custodian on October 13, 2026, in addition to the custodians Applicants had identified.
Casey Albright**	Senior Vice President of Network Operations and Service Design	• CSX proposed Albright as a custodian on October 22, 2026, in lieu of Michael Cory.

II. Date Ranges

- **Start Date**:
  - July 29, 2024, for searches relating to the impact of the Proposed Transaction (Requests 3–9, 12–15, and 17).**
  - January 1, 2019, for all other requests (Requests 2, 10–11, 16, and 22–29).
- **End Date:** February 17, 2026.**

III. Search Terms

1. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) w/20 (merg* OR transaction OR combination OR acqui* OR control))[2]

2. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) AND (fail* w/25 interline))[3]

3. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) AND (((yard* OR shop* OR facilit*) w/25 (closing* OR closure* OR rationalize)) AND (price* OR cost*)))[4]

4. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) AND (interline w/25 (pric* OR quality OR efficien*)))[5]

5. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) AND ((facilit* w/25 new) w/20 (offer OR bid)))

6. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) AND (Buffer w/3 (capacity OR employee OR crew OR equipment OR locomotive)))[6]

7. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) w/10 ((invest* OR improv*) w/10 (interline OR interchange)))

8. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) AND ((Committed w/2 Gateway) OR CGP OR “prop rate*” OR “proportional rate*”))[7]

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[2] CSX proposes a w/5 connector in place of w/20.

[3] CSX proposes a w/25 connector in place of AND.

[4] CSX proposes a w/25 connector in place of the first AND.

[5] CSX proposes a w/25 connector in place of AND.

[6] CSX proposes a w/25 connector in place of AND.

[7] CSX proposes a w/10 connector in place of AND.

9. (("Union Pacific" OR UNP OR UPRR OR "Norfolk Southern" OR NS OR NSC OR norfolksouthern OR "Project Max" OR "Proj Max") w/25 ((BNSF OR CPKC) w/5 rate))

10. (("Union Pacific" OR UNP OR UPRR OR "Norfolk Southern" OR NS OR NSC OR norfolksouthern OR "Project Max" OR "Proj Max") AND ("single line" AND interline AND compet*))[8]

11. (("Union Pacific" OR UNP OR UPRR OR "Norfolk Southern" OR NS OR NSC OR norfolksouthern OR "Project Max" OR "Proj Max") AND (interchange w/5 (alternat* OR compet*)))[9]

12. (("Union Pacific" OR UNP OR UPRR OR "Norfolk Southern" OR NS OR NSC OR norfolksouthern OR "Project Max" OR "Proj Max") w/25 "Service Assurance")

13. (("Union Pacific" OR UNP OR UPRR OR "Norfolk Southern" OR NS OR NSC OR norfolksouthern OR "Project Max" OR "Proj Max") w/25 (integrat* OR (operat* w/3 (plan* OR chang* OR impact* OR effect*)) OR divert* OR diversion* OR "rail service" OR (safety w/5 (integrat* OR merg* OR transaction)) OR ((passenger OR commuter) w/5 service) OR (yard w/2 control) OR (train w/2 build*) OR (transport* w/2 manag*)))

14. (("Union Pacific" OR UNP OR UPRR OR "Norfolk Southern" OR NS OR NSC OR norfolksouthern OR "Project Max" OR "Proj Max") w/25 (debt OR revenue* OR earning* OR EBITDA OR (operating w/2 ratio) OR synerg* OR (market w/2 share*) OR concession* OR consolid* OR efficienc* OR ((cost* OR rate* OR invest* OR growth OR competit*) w/10 (merg* OR transaction OR combination OR acqui* OR control OR transcon*))))

15. (("Union Pacific" OR UNP OR UPRR OR "Norfolk Southern" OR NS OR NSC OR norfolksouthern OR "Project Max" OR "Proj Max") w/25 (merg* OR transaction OR combination OR acqui* OR control)) AND ((Board w/5 Director*) OR (Board w/10 Committee))

16. (("Union Pacific" OR UNP OR UPRR OR "Norfolk Southern" OR NS OR NSC OR norfolksouthern OR "Project Max" OR "Proj Max") AND (gateway* w/10 (traffic OR I-5)))

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[8] CSX proposes a w/10 connector in place of the first AND.

[9] CSX proposes running the string in Search 10 in place of this search.

17. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) w/25 (share* AND (TRRA OR (Terminal w/2 Railroad) OR PPU OR TTX)))

18. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) w/25 ((single w/2 (carrier OR line)) OR “parallel route*” OR (defens* w/5 (national OR military OR STRACNET)) OR Amtrak OR “partnership agreement” OR (transition* w/2 service) OR (port* w/5 (access OR traffic OR intermodal OR terminal)) OR “vertical effect*” OR (negot* w/20 contract*) OR (traffic w/2 (manifest OR level*)) OR “principal route*” OR (truck w/2 rail) OR (service* w/2 disrupt*) OR ((IT OR technolog*) w/5 (integrat* OR system* OR cutover))))

19. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) w/25 (“trackage right*” OR haulage OR (reciprocal w/2 switch*) OR “short line*” OR shortline OR “Class II” OR “Class III”))[10]

20. ((“Union Pacific” OR UNP OR UPRR OR “Norfolk Southern” OR NS OR NSC OR norfolksouthern OR “Project Max” OR “Proj Max”) AND ((transcon* OR (east* w/10 west*) OR end-to-end OR duopoly OR coast-to-coast OR first-mover OR downstream) w/30 (merg* OR transaction OR comb* OR acqui* OR control OR consolid* OR single-line)))[11]

21. (BNSF or “Burlington Northern” or CPKC* or “Norfolk Southern” or NS or “Union Pacific” or CN or “Canadian National”) w/10 (merg* OR combination OR acqui* OR “cooperative agreement” or “joint venture” or alliance)[12]

22. (pricing w/5 (formula OR model OR polic* OR strateg* OR system))[13]

23. (((plan OR strateg*) w/20 (grow* OR increas* OR retain)) w/5 (Volume OR Rail OR Traffic OR revenue))[14]

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[10] CSX proposes a w/10 connector in place of w/25.

[11] CSX proposes w/25 in place of AND, w/5 in place of w/10, and w/10 in place of w/30.

[12] CSX proposes a w/5 connector in place of w/10.

[13] CSX proposes a w/3 connector in place of w/5.

[14] CSX proposes a w/10 connector in place of w/20.

24. (negotiat* or strateg*) w/10 (bundl* OR tying OR tie OR link* OR leverag* OR "multiple facilit*" OR multi* OR refun* or discount* or waiv*)[15]

25. ((PSR OR "Precision Scheduled Railroading") w/10 service)

26. ((facilit* w/5 new) w/5 (offer OR bid))**

[15] CSX proposes a w/5 connector in place of w/10, and "(multiple w/1 facilit*)" in place of "multiple facilit*" and multi*.

CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of November, 2026, the foregoing document 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/ Jamie Dominique U. Magcale
Jamie Dominique U. Magcale