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November 18, 2026
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Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD

Docket No. FD 36873

Public Comment of Westwood Ag Exchange ULC

Date: November 18, 2026

I. Purpose of Submission

Westwood Ag Exchange ULC ("Westwood") submits this public comment to provide the Surface Transportation Board ("Board") with a documented, real-time case study regarding Class 1 bottleneck power, localized shipper optionality, and the practical durability of merger divestiture remedies. While Westwood recognizes that the Board's jurisdiction does not extend to adjudicating local rail operations in Winnipeg, Manitoba, the conduct of Canadian Pacific Kansas City Limited ("CPKC") in this matter directly contradicts the public-interest principles CPKC has advanced before this Board regarding the preservation of competitive shipper choices.

II. Factual Background & The Regulatory Catch-22

Following the Bunge–Viterra merger, the Governor-in-Council of Canada issued Order-in-Council P.C. 2025-0002 requiring the divestiture of six grain elevators—including the facility at 1051 Coulter Avenue in Winnipeg—to preserve independent grain-handling competition. Notably, 1051 Coulter Avenue sits within Winnipeg's Interswitching Zone 1, a regulatory zone designed to provide shippers competitive gateway access to Canadian National (CN) and BNSF.

Viterra completed the initial court-ordered divestiture by selling the Coulter Avenue facility to BP & Sons Grain and Storage Inc. ("BP & Sons"). Subsequently, on March 27, 2026, Westwood executed a binding Agreement of Purchase and Sale with BP & Sons to acquire and operate the elevator, projecting approximately 100 railcars of annual traffic. However, closing has been stalled because CPKC—despite having handled revenue traffic on the connecting L-Lead line as recently as March 2, 2026—refused to confirm prospective service and asserted that serving the line would require $1,479,368.46 in alleged capital rehabilitation to argue that regulatory relief would be unreasonable. In addition, CPKC entered into a May 27, 2026 agreement with the City of Winnipeg in connection with the Arlington Bridge project, under which CPKC assumed a contractual obligation to make 'best efforts to decommission' the L-Lead rather than reconnect it from the west—even though the L-Lead currently provides an unobstructed eastern connection to CPKC's Winnipeg Yard, and construction of a replacement Arlington Bridge remains unfunded and unapproved.

In written correspondence between April 22 and May 14, 2026, CPKC officials explicitly confirmed that CPKC rejected Westwood's service request, viewed the facility as "not a rail served property going forward" due to planned decommissioning, and was unwilling to consider selling the adjacent trackage so Westwood could explore an alternative switch connection with BNSF.

In subsequent proceedings before the Canadian Transportation Agency ("CTA") (Case No. 26-46988; Decision 56-R-2026, issued November 5, 2026), CPKC successfully argued that its statutory common-carrier service obligations under sections 113–116 of the Canada Transportation Act are not triggered until a buyer closes on a facility and tenders "actual traffic". While the CTA dismissed Westwood's initial level-of-service complaint strictly on that threshold timing issue—explicitly noting in paragraph 18 that prospective rail access issues must be addressed under separate statutory provisions—the practical market effect is a complete Catch-22. By refusing pre-closing service commitments, precluding the opportunity to pursue alternative carrier access, and citing prohibitive infrastructure estimates to resist regulatory intervention, an incumbent Class 1 carrier can effectively neutralize a completed federal divestiture remedy before the operator can tender its first railcar.

III. Corroborating Record Evidence (Exhibits A–E)

Westwood attaches the following documentary record, including official third-party position statements accepted into the evidentiary record by the CTA in Case No. 26-46988:

- **Exhibit A – Province of Manitoba (October 8, 2026):** Signed by the Minister of Transportation and Infrastructure and the Minister of Agriculture, confirming that "without CPKC's rail service, the objectives of the federal order [P.C. 2025-0002] cannot be realized," and warning of reduced export competitiveness and economic harm to Manitoba producers.
- **Exhibit B – Keystone Agricultural Producers (October 5, 2026):** Representing Manitoba farmers and 18 commodity associations, affirming that rail access at the Coulter Avenue elevator is essential to maintaining competitive grain basis levels and preserving independent shipper options against Class 1 rail duopoly power.
- **Exhibit C – BP & Sons Grain and Storage Inc. (October 12, 2026):** Confirming that the binding sale to Westwood is paused solely due to CPKC's refusal to confirm service, refuting CPKC's claim that the owner sought to abandon rail capability, and documenting CPKC's prior assurance that "if we needed service we would get it".
- **Exhibit D – Canadian Transportation Agency Decision 56-R-2026 (November 5, 2026):** Confirming the procedural dismissal based strictly on the absence of tendered traffic while preserving prospective statutory remedies.
- **Exhibit E – CPKC Written Correspondence & Site Aerial (April 22 – May 14, 2026):** Confirming in writing that CPKC has no intention of serving 1051 Coulter Avenue, treats the intact spur as being decommissioned, and is unwilling to consider selling the trackage to permit the exploration of an alternative BNSF connection.

IV. Policy Relevance to Docket No. FD 36873

In this docket, CPKC has urged the Board to scrutinize Class 1 consolidation on the ground that eliminating localized rail alternatives harms small shippers. Yet in Winnipeg, CPKC has argued to regulators that eliminating local rail access is reasonable because an independent shipper can simply truck grain to distant transload terminals—while simultaneously refusing even to consider selling unused trackage that would allow the shipper to explore a switch connection with BNSF.

Westwood respectfully submits this record so the Board may weigh CPKC's representations regarding shipper choice and competitive gateway access against its actual commercial conduct, and consider how easily divestiture remedies and interswitching protections can be frustrated when an incumbent carrier controls the last-mile industrial lead.

Respectfully submitted,

/s/ David Nyznyk
David Nyznyk, CCLP
Westwood Ag Exchange ULC
1504-433 Main St.
Winnipeg, MB R3B 1B3
(800) 488-9378

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2026, a true and correct copy of the foregoing Public Comment of Westwood Ag Exchange ULC (including Exhibits A through E) in Docket No. FD 36873 was served via electronic mail upon the assigned Administrative Law Judge, the representatives of the Applicants, the required federal agencies, and counsel for Canadian Pacific Kansas City Limited (CPKC), as listed below:

- **Hon. Jenifer Soulikias, Administrative Law Judge (Surface Transportation Board):** alj.soulikias.inbox@stb.gov
- **Michael L. Rosenthal, Esq., Covington & Burling LLP (Counsel for Union Pacific):** mrosenthal@cov.com
- **Raymond A. Atkins, Esq., Sidley Austin LLP (Counsel for Norfolk Southern):** ratkins@sidley.com
- **Secretary of Transportation (U.S. Department of Transportation):** ostservecounsel@dot.gov; ostexecsec@dot.gov
- **Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division (U.S. Department of Justice):** antitrust.atr@usdoj.gov
- **David L. Meyer, Esq., Law Office of David L. Meyer (U.S. Regulatory Counsel for Canadian Pacific Kansas City Limited [CPKC]):** David@MeyerLawDC.com
- **Dean Watt, Regulatory Counsel (Canadian Pacific Kansas City Limited [CPKC]):** Dean.Watt@cpkcr.com

/s/ David Nyznyk

David Nyznyk, CCLP
Westwood Ag Exchange ULC
1504-433 Main St., Winnipeg, MB R3B 1B3
dnyznyk@westwoodag.com

EXHIBIT A

Province of Manitoba Letter of Support (October 8, 2026)

Minister of Transportation and Infrastructure
Minister of Agriculture
Legislative Building, Winnipeg, Manitoba R3C 0V8 CANADA

OCT 0 8 2026

Secretary
Canadian Transportation Agency
Ottawa ON K1A 0N9

By email: secretariat@otc-cta.gc.ca

To Whom It May Concern:

Re: Westwood Ag Exchange ULC Level of Service Complaint against Canadian Pacific Railway Company

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On behalf of the Province of Manitoba, we are writing to support the level of service complaint by Westwood Ag Exchange ULC (Westwood) against Canadian Pacific Railway Company (CPKC) under sections 26, 27 and 113 to 116 of the *Canada Transportation Act*. Westwood filed their complaint in early June 2026.

Manitoba is an export-dependent province, and exports significant amounts of agricultural products originated by rail every year. Manitoba's interest in this issue is guided by principles of optimizing competition and choice in our local and regional grain handling and transportation system, which the province considers will enhance market options and, ultimately, returns to local producers and shippers.

The export and trade movement of grain is highly reliant on efficient and competitive rail services. The consequences of our producers and shippers not being able to access rail services include lost export sales and reduced competitiveness within Manitoba's grain industry, which can result in significant economic harm to our economy. We understand that Westwood has raised concerns regarding service to its Coulter Avenue grain elevator (the "Grain Elevator"), and that the relevant rail lines have not been discontinued or decommissioned. Disagreements between railroad companies and shippers are concerning, especially when they can lead to economic losses.

Manitoba is greatly supportive of fair and just competition within grain industry. Producers and shippers expect and deserve regular and consistent level of services by railways. Access to rail service is an important factor in the operation of the Grain Elevator. Manitoba understands that Westwood seeks assurance of service for the upcoming harvest season.

The availability of rail service in this case may have broader implications for policy objectives related to market access, competition, and economic activity in the grain sector. Manitoba understands that Westwood purchased the Grain Elevator after Bunge was required to divest the Grain Elevator to a competitor as part of a federal order aimed at ensuring that "farmers in Manitoba" would benefit from greater competition in the canola seed and grain industry (P.C. 2025-0002). In practical terms, without CPKC's rail service, the objectives of the federal order cannot be realized.

The *Canada Transportation Act* gives the Agency broad powers to determine the levels of service provided by CPKC and to grant relief to shippers. Manitoba therefore requests that the Agency consider appropriate measures to address the matters raised in Westwood's June 2026 complaint, with regard to their potential implications for competition and grain transportation.

Sincerely,

Lisa Naylor
Minister
Transportation and Infrastructure

Sincerely,

Ron Kostyshyn
Minister
Agriculture

EXHIBIT B

Keystone Agricultural Producers Letter of Support (October 5, 2026)

KEYSTONE AGRICULTURAL PRODUCERS

October 5, 2026

Canadian Transportation Agency (Case #26-46988)

Keystone Agricultural Producers (KAP) is Manitoba's general farm policy organization, providing a unified voice for farmers on issues that affect agriculture. KAP represents and promotes the interests of all Manitoba farmers and 18 commodity associations. KAP is writing in support of the applicant Westwood AG Exchange ULC regarding its adjudication case against CPKC.

In 2024, the Competition Buruea provided an opinion highlighting anti-competitive concerns with the Viterra and Bunge merger. The Competition Bureau believed that the merger would lessen competition in the canola market in western Canada and the proposed remedies offered by Viterra and Bunge did not ease the Competition Bureau's concerns. Despite these concerns, Transport Canada approved the merger in 2025.

Westwood AG Exchange ULC's level of service complaint matters because the Coulter grain elevator represented one of the six elevators Bunge agreed to divest from regarding its merger. The Transport Canada believed that divesting would lessen anti-competitive outcomes. And competition matters for Manitoba farmers—e.g.: A competitive marketplace ensures basis levels remain reasonable while encouraging investments that increase processing capacity. With adequate competition, choices remain limited. Elevator choice is particularly important for grain producers considering the duopolistic nature of class one railways. If grain companies cannot secure car service or receive limited service, this outcome affects farmer profitability.

Securing rail service for the Coulter grain elevator has two important outcomes: (1) A deal continues the spirit and intent of Transport Canada's (January 25, 2025) Order in Council. (2) Manitoba farmers benefit from additional competition.

If you have any questions about this letter, please contact KAP policy manager, Neil Van Overloop, at neil.vanoverloop@kap.ca.

Sincerely,

Jill Verwey
President, Keystone Agricultural Producers Inc.

EXHIBIT C

BP & Sons Grain and Storage Inc. Letter of Position (October 12, 2026)

BP & Sons Grain and Storage Inc
275 South Railway Street
Morden, MB R6M 1G7
Email: ben@bpgrain.net

October 12, 2026

VIA EMAIL & PORTAL DELIVERY

Canadian Transportation Agency
Dispute Record Secretariat
Gatineau, QC K1A 0N9

RE: Case No. 26-46988 — Westwood Ag Exchange ULC v. Canadian Pacific Kansas City (CPKC)
Letter of Position by Registered Property Owner (BP & Sons Grain and Storage Inc.)

To the Canadian Transportation Agency,

1. This statement is submitted by BP & Sons Grain and Storage Inc. ("BP & Sons"), the registered title holder of the facility located at 1051 Coulter Avenue, Winnipeg, Manitoba (the "Facility"). We provide this statement to clarify the factual record regarding property status and commercial intent.

2. BP & Sons confirms that it entered into a fully executed Agreement of Purchase and Sale ("APS") on March 27, 2026, to transfer the Facility and all associated assets to the Applicant, Westwood Ag Exchange ULC ("Westwood"), for a purchase price of $[redacted]

3. CPKC asserts in its Answer that BP & Sons' initial administrative inquiries with CPKC's Industrial Development team on December 17, 2025, regarding track removal indicate an intention to permanently abandon rail capability at the Facility. This characterization is commercially inaccurate.

4. As the incoming owner of a historical grain storage asset, it was standard commercial due diligence for BP & Sons to assess all operational configurations of the property, including track layouts, potential modifications, and reactivation. Exploration of asset parameters does not constitute a legal waiver or permanent abandonment of a facility's statutory rail access rights.

5. BP & Sons explicitly confirms that the closing of the contract with Westwood has been deferred due to the external regulatory and commercial uncertainty generated by CPKC's subsequent refusal to confirm rail service to the L-Lead.

6. BP & Sons remains fully committed to the executed APS.

7. BP & Sons supports the resolution of this matter to restore clarity to the federal rail corridor serving this property.

8. CPKC reached out to me to discuss future rail and my only concern on that call was to find out which track I owned and left the call with a quote that "if we needed service we would get it".

Yours truly,

BP & SONS GRAIN AND STORAGE INC.

Per: _____

EXHIBIT D

Canadian Transportation Agency Decision 56-R-2026 (November 5, 2026)

Office des transports du Canada

Canadian Transportation Agency

Decision 56-R-2026

Application by Westwood Ag Exchange ULC (Westwood) against the Canadian Pacific Railway Company (carrying on business as Canadian Pacific Kansas City Limited) [CPKC] regarding level of service

November 5, 2026

Case: 26-46988

Summary

[1] Westwood filed an application with the Canadian Transportation Agency (Agency) under sections 113 to 116 of the *Canada Transportation Act* (CTA), alleging that CPKC breached its level of service obligations when it refused to provide suitable and adequate accommodation for traffic at a grain elevator located at 1051 Coulter Avenue in Winnipeg, Manitoba (the grain elevator).

[2] CPKC argues that it has not breached its service obligations as no actual traffic has been offered for carriage. CPKC submits that the application should be dismissed.

[3] Westwood requests that the Agency order CPKC to provide suitable accommodation for the transportation of its traffic, including a requirement for CPKC to enter into a private siding agreement or track lease agreement, and to provide suitable and adequate supply, delivery and collection of rail cars at the grain elevator.

[4] For the reasons set out below, the Agency dismisses the application on the basis that Westwood has not yet offered actual traffic for carriage.

Canada

Preliminary matters

Submission filed by the parties

[5] On September 29, 2026, CPKC requested the dismissal of Westwood's application. The request is premised on CPKC's position that Westwood has not yet offered traffic for carriage, and therefore, it has not triggered CPKC's service obligations under the CTA. On October 1, 2026, Westwood responded to CPKC's request, arguing why its application should not be dismissed.

[6] The Agency finds that these submissions have sufficiently allowed the parties, including Westwood, to be heard on the merits of the application prior to the Agency issuing its decision.

[7] As a result, on October 7, 2026, the Agency issued a directive to the parties, informing them that the Agency considers the record complete, and therefore, no further submissions from the parties are required, and the Agency will consider the matter and issue a decision in due course. Subsequent to the issuance of this directive:

- CPKC filed submissions addressing the application and the position statement of Keystone Agricultural Producers Inc. (KAP) on October 7, 2026;
- Westwood responded to CPKC's submission on October 16, 2026;
- CPKC requested permission to respond to Westwood's October 16, 2026, submission on October 21, 2026; and
- Westwood filed a response to CPKC's October 21, 2026, submission on October 22, 2026.

[8] In light of its directive of October 7, 2026, the Agency will not consider these additional submissions.

Position statements

[9] The application is supported by KAP, the Minister of Transportation and Infrastructure and the Minister of Agriculture on behalf of the Province of Manitoba, and BP & Sons Grain and Storage Inc. These statements are accepted by the Agency.

[10] The City of Winnipeg (City) submitted a position statement supporting CPKC's position and made a confidentiality request in relation to some information provided. As the City's position statement is not required for the Agency to issue its decision on this matter, the Agency will not consider it.

Main issues

Positions of the parties

[11] Westwood entered into a purchase agreement for the grain elevator. The purchase is conditional on CPKC confirming that it will provide rail service to the grain elevator.

[12] Westwood submits that, after purchasing the grain elevator, it will refurbish the private siding to enable rail service. Westwood projects to offer at least 100 rail cars for carriage per year. It argues that by refusing to confirm that it will provide service to the grain elevator in the future, CPKC has breached its level of service obligations.

[13] CPKC's position is that Westwood does not currently own the grain elevator, has not provided commodity contracts demonstrating a right to receive goods for shipment, that Westwood has not shipped commodities from the grain elevator, has not ordered rail cars or requested any actual service and, as a result, CPKC has not breached its service obligations as no actual traffic has been offered for carriage.

Analysis and findings

[14] The level of service provisions found in sections 113 to 116 of the CTA applies in relation to "traffic offered for carriage" to a railway company.

[15] The expression “traffic offered for carriage” is not defined in the CTA. The Agency has however established in a number of precedents, including Decision 26-R-2018 (*Parrish and Heimbecker Ltd v Goderich-Exeter Railway Company Limited*) and Decision 442-R-2008 (*Trackside Holdings Ltd v Canadian National Railway Company*), that level of service obligations apply in relation to actual, as opposed to speculative, traffic offered for carriage to a railway company.

[16] This is because the function to be performed by the Agency in assessing whether a railway company has fulfilled its level of service obligations under the CTA is whether, in light of a number of considerations included in subsection 116(1.2) that are associated with actual traffic, the railway company is providing the highest level of service in respect of those obligations that it can reasonably provide. That task is impossible in the absence of actual traffic.

[17] In this case, Westwood has not yet offered actual traffic for carriage. This is evidenced by the fact that Westwood does not yet own the grain elevator, that repairs to the siding are required before there could be resumption of the rail service, and that no actual traffic to which the considerations found in subsection 116(1.2) could be applied to has been offered for carriage.

[18] The Agency is mindful that a shipper who has not yet tendered actual traffic may have a need to understand the exact nature of the service that could be provided by a railway company in advance of that traffic being tendered. As the Agency noted in Decision 46-R-2026 (*Power Wood Corp v CN*), there are provisions in the CTA whose purposes are to allow issues between shippers and railway to be resolved prospectively. That said, a complaint made under section 116 of the CTA that a railway is not fulfilling any of its service obligations has to be anchored in actual traffic being offered, which is not the case in the present matter.

[19] In light of the above, the Agency finds that CPKC has not breached its level of service obligations.

Conclusion

[20] The Agency dismisses the application.

By the Agency Members:

Alain Langlois

Fred Gaspar

Authorities referenced	Numeric identifiers (section, subsection, rule, etc.)
Canada Transportation Act, SC 1996, c 10	5; 113—116
Canadian Transportation Agency Rules (Dispute Proceedings and Certain Rules Applicable to All Proceedings), SOR/2014-104	5; 6; 23; 31; 34

EXHIBIT E

CPKC Written Correspondence & Site Aerial (April 22 – May 14, 2026)

David Nyznyk

From: Scott Lowden <Scott.Lowden@cpkcr.com>
Sent: April 22, 2026 5:05 PM
To: David Nyznyk
Subject: Coulter facility

⚠ **External Email – Use caution with links and attachments.**

Hi David:

I was originally approached by a party that was interested in purchasing this facility in May 2025. With any new business, I submitted a New Business Review that was reviewed by operations, service design and other CPKC stakeholders. All parties weigh in on the opportunity and provide feedback. The parties rejected the NBR because the L tracks are being decommissioned due to the demolition of the Arlington Bridge. This decision has not changed.

For some history, the last car moved out of Coulter in 2020. Viterra terminated the siding agreement on Sept 26, 2023 and planned to demolish the elevator in 2024.

I know there was a conversation between Viterra and CPKC last year about this siding. I mentioned to my Director and Managing Director that you purchased the facility, and I was informed that Viterra told CPKC that the property was sold as a non-rail served facility.

BP & Sons purchased the facility in 2025 and they had conversations with our Industrial Development team on December 17, 2025 about removing the track from the facility and enquired where the property line was.

Thanks

Scott Lowden
Account Manager – Canadian Grain
C 403-993-4594
Building 1
7550 Ogden Dale Rd. SE
Calgary, AB T2C 4X9
Scott.Lowden@cpkcr.com

David Nyznyk

From: Scott Lowden <Scott.Lowden@cpkcr.com>
Sent: May 14, 2026 3:12 PM
To: David Nyznyk
Subject: RE: 1051 Coulter - Rail Spur *Clarifying

⚠ External Email – Use caution with links and attachments.

Hi David:
Unfortunately, that is the case.

Scott Lowden
Account Manager – Canadian Grain
C 403-993-4594
Building 1
7550 Ogden Dale Rd. SE
Calgary, AB T2C 4X9
Scott.Lowden@cpkcr.com

From: David Nyznyk <dnyznyk@westwoodag.com>
Sent: Thursday, May 14, 2026 2:05 PM
To: Scott Lowden <Scott.Lowden@cpkcr.com>
Cc: David Nyznyk <dnyznyk@westwoodag.com>
Subject: 1051 Coulter - Rail Spur *Clarifying

❗ Caution: This Message Is From an External Sender ❗
This email did not originate from CPKC. If the sender is unfamiliar, avoid opening links or attachments.

Hi Scott,

We spoke on the phone.

It is safe to assume that CPKC has no intention of providing service to 1051 Coulter Ave, and also that CPKC is unwilling to divest of the tracks and land between McPhillips and Notre Dame?

Sound like it's a safe assumption, but I'd like to be sure I've exhausted my efforts in communicating with CPKC directly.

Regards
David

WESTWOOD AG EXCHANGE

902-127 Bannatyne Ave.
Winnipeg, MB.
R3B 1B1
(800) 488-9378
htttp:www.westwoodag.com

Direct: (204) 997-5057

From: David Nyznyk <dnyznyk@westwoodag.com>
Sent: May 12, 2026 1:50 PM
To: Peiter.Hjertstedt@cpkcr.com; Scott Lowden <scott.lowden@cpkcr.com>
Cc: Eric Ott <Eric.Ott@capitalgrp.ca>; David Nyznyk <dnyznyk@westwoodag.com>
Subject: RE: 1051 Coulter - Rail Spur *Next steps? *Following up

Hi Peiter,

Tomorrow it will be one week since our request.

Can you let me know what the next steps would be to acquire the trackage? Alternatively, if CPKC is unwilling to consider this possibility could you indicate that by return email so we know don't send multiple reminders?

We think it's a great opportunity for CPKC as most of our current traffic goes to LAREDO, TX. and you are working to build that lane.

Thank you
David

From: David Nyznyk <dnyznyk@westwoodag.com>
Sent: May 6, 2026 12:33 PM
To: Peiter.Hjertstedt@cpkcr.com; Scott Lowden <scott.lowden@cpkcr.com>
Cc: Eric Ott <Eric.Ott@capitalgrp.ca>; David Nyznyk <dnyznyk@westwoodag.com>
Subject: RE: 1051 Coulter - Rail Spur *Next steps?

H**I** Peiter,

The below note was forwarded to me.

Yes, we have been advised something similar from our account manager, Scott Lowden.

When we purchased this facility we logically concluded that rail access would not be an issue because the vendor advised us as much, because there are rail lines connecting to CPKC's network in two different directions, and finally as a last resort because we'd be protected by the level of service provisions in the CTA.

After receiving the discouraging note from Scott, we have had BNSF visit the facility and they have confirmed they have interest and would be open to the possibility of connecting the facility to their network. In order to do this we would need to procure all of the trackage from CPKC from McPhillips to within 100 ft of Notre Dame where you can RED FLAG both ends.

It would seem to me that CPKC would have the most to benefit from divesting themselves of the above referenced trackage and accommodating our traffic because the facility would be an open facility and we could

order CPKC cars to/from (the only difference is that CPKC would be delivering the cars to BNSF at the interchange and BNSF would be the switch carrier).

What are the next steps?

Regards
David

WESTWOOD AG EXCHANGE
902-127 Bannatyne Ave.
Winnipeg, MB.
R3B 1B1
(800) 488-9378
http:www.westwoodag.com

Direct: (204) 997-5057

From: Peiter Hjertstedt <Peiter.Hjertstedt@cpkcr.com>
Sent: May 6, 2026 12:05 PM
To: Eric Ott <Eric.Ott@capitalgrp.ca>
Cc: Peiter Hjertstedt <Peiter.Hjertstedt@cpkcr.com>
Subject: RE: 1051 Coulter - Rail Spur

Eric,

One of our managers in the grain group has already reached out to David, just as info.

A little history here -

What I am told is that the last rail car moved out of Coulter in 2020. Viterra terminated the siding agreement on Sept 26, 2023, with CPKC, and planned to demolish the elevator in 2024.
Then when Viterra merged with Bunge in 2025 they had to divest themselves of some of their assets to maintain competition and this was one of those parcels. And I was informed that Viterra told CPKC that the property was being sold as a non-rail served facility.
The line adjacent to the facility is in process of being decommissioned. So, it will not be a rail served property going forward.

Thank you.

Peiter **Hjertstedt, CEcD** | Director of Business Development | **CPKC**
C (816)-955-8014
E Peiter.Hjertstedt@cpkcr.com
Cathedral Square
427 W 12th ST
Kansas City, MO 64105

From: Eric Ott <Eric.Ott@capitalgrp.ca>
Sent: Tuesday, May 5, 2026 3:46 PM
To: Peiter Hjertstedt <Peiter.Hjertstedt@cpkcr.com>
Cc: David Nyznyk <dnyznyk@westwoodag.com>

Subject: Re: 1051 Coulter - Rail Spur
Importance: High

❗ **Caution: This Message Is From an Untrusted Sender** ❗

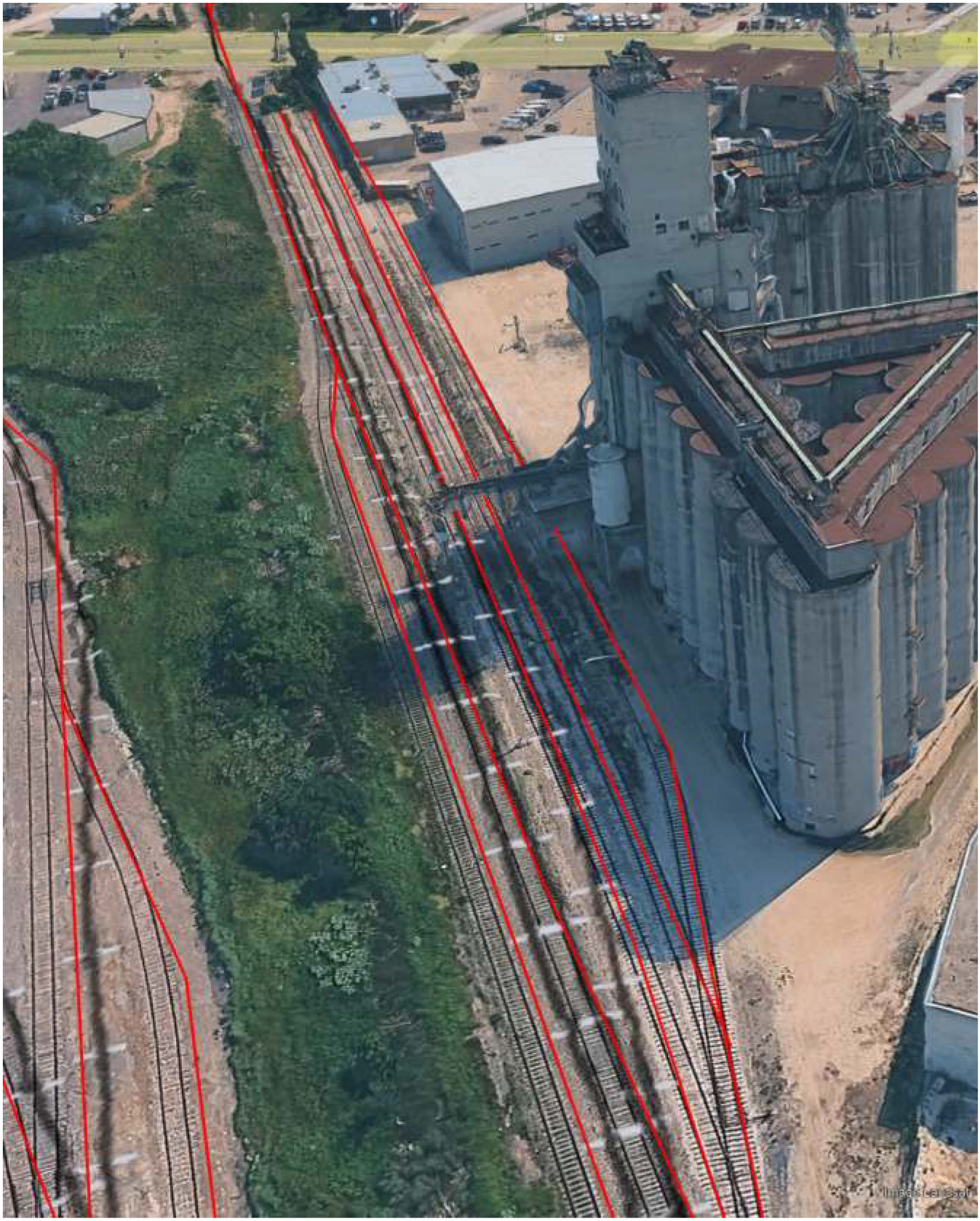
This email did not originate from CPKC. You have not previously corresponded with this sender. Please exercise caution with any links or attachments.

Peiter,

Our client David Nyznyk has purchased the grain elevator at 1051 Coulter in Winnipeg (in screenshot below) but has been told that CPKC has decommissioned the line.

He would like to acquire the adjacent trackage. How does he go about doing that?

Figure 1 – 1051 Coulter Elevator with former CPCK serviced trackage in red



I have copied David here so that you two can correspond directly.

Thanks for any guidance you can provide.

--
EO

Sent from my iPhone (please excuse grammar and brevity)

ERIC OTT
Vice President, Sales & Leasing
Services provided by Eric A. Ott Personal Real Estate Corporation
Capital Commercial Real Estate Services Inc.
300 – 570 Portage Avenue, Winnipeg, MB R3C 0G4
C (204) 891-3716 // D (204) 985-1378 // T (204) 943-5700
eric.ott@capitalgrp.ca capitalgrp.ca
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