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July 1, 2019

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Finance Docket No. 32760 (Sub-No. 46)
BNSF Railway Company – Terminal Trackage Rights – The Kansas City
Southern Railway Company And Union Pacific Railroad Company

Dear Ms. Brown,

By letter dated June 18, 2019, The Kansas City Southern Railway Company (“KCS”) and Union Pacific Railroad Company (“UP”) requested the Surface Transportation Board (“Board”) to schedule a mediation session in this matter utilizing the services of the Federal Mediation and Conciliation Service (“FMCS”) in conjunction with Board staff. On June 25, 2019, BNSF Railway Company (“BNSF”) replied to that letter. KCS herein responds to BNSF’s reply, and renews its request that the Board schedule another mediation session utilizing Board staff and the FMCS mediators.

Much of BNSF’s reply is spent on recriminations and accusations against KCS and attempts to characterize the history of negotiation and mediation in this proceeding. KCS does not agree with BNSF’s assertions. However, KCS believes that trading accusations publicly undermines mediation, and so will simply say that it does not agree with BNSF’s assertions. KCS requested mediation in order to move this matter forward, not to remain mired in past disputes.

With this in mind, and given BNSF’s willingness to undertake mediation under certain conditions and if the Board orders it, KCS is willing to accept BNSF’s conditions. KCS does not object to the Board continuing to process this proceeding during the course of the requested

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mediation, and is not requesting that the Board hold the case in abeyance. Second, KCS is willing to limit the mediation to the conditions of use and compensation requested in BNSF's January 12, 2018 petition. Finally, KCS has no intention to simply reassert its prior positions. KCS is willing to listen to any and all practicable solutions that can resolve KCS's concerns. KCS expects BNSF to commit to the same.

Sincerely,

A handwritten signature in blue ink that reads "William A. Mullins" with a stylized flourish at the end.

William A. Mullins

cc: Parties of Record