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SERVICE DATE – SEPTEMBER 30, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36500¹

CANADIAN PACIFIC RAILWAY LIMITED; CANADIAN PACIFIC RAILWAY COMPANY; SOO LINE RAILROAD COMPANY; CENTRAL MAINE & QUEBEC RAILWAY US INC.; DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION; AND DELAWARE & HUDSON RAILWAY COMPANY, INC.

—CONTROL—

KANSAS CITY SOUTHERN; THE KANSAS CITY SOUTHERN RAILWAY COMPANY; GATEWAY EASTERN RAILWAY COMPANY; AND THE TEXAS MEXICAN RAILWAY COMPANY

Decision No. 29

Decided: September 30, 2022

By notice served on July 22, 2022, the Board announced that it will hold a public hearing in these dockets on September 28, 29, and 30, 2022. On September 21, 2022, an order was served providing hearing instructions and a list of speakers. A September 27, 2022 order provided an updated list of speakers. This decision announces that the hearing will resume on October 3, 4, and 6, 2022, and updates the schedule of appearances to reflect rescheduled panelists.

The hearing will be held virtually via Zoom. On October 3, the hearing will begin at 1:30 p.m. EDT and will end no later than 6:00 p.m. EDT. On October 4, the hearing will begin at 9:30 a.m. EDT and will end no later than 1:00 p.m. EDT. On October 6, the hearing will begin at 10:30 a.m. EDT and will end no later than 5:30 p.m. EDT.

To allow the Board sufficient time to engage with each panel, the Board cannot provide specific times for when each panel will be called. Accordingly, panelists will be responsible for

¹ This decision embraces: Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad—Acquisition of a Line of Railroad Between Kansas City, Mo., & Springfield & East St. Louis, Ill.—Kansas City Southern Railway; Docket No. FD 36500 (Sub-No. 2), Illinois Central Railroad—Trackage Rights Between Airline Junction, Mo., & Grandview, Mo.—Kansas City Southern Railway; Docket No. FD 36500 (Sub-No. 3), Canadian National Railway—Control—Gateway Eastern Railway; Docket No. FD 36500 (Sub-No. 4), Illinois Central Railroad—Assignment of KCS Trackage Rights Between Rock Creek Junction, Mo., & Airline Junction, Mo.—Union Pacific Railroad; and Docket No. FD 36500 (Sub-No. 5), Norfolk Southern Railway—Trackage Rights—Kansas City Southern.

monitoring the progress of the hearing and ensuring they are available when it is time for their panel. Panelists must mute their microphones and turn off their cameras until their panel is called.

A schedule of appearances is set forth in the Appendix to this decision.

It is ordered:

1. A hearing will be held online via Zoom on October 3, 4, and 6, 2022, beginning at 1:30 p.m. EDT on October 3, 9:30 a.m. EDT on October 4, and 10:30 a.m. EDT on October 6.
2. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.
3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

APPENDIX
SCHEDULE OF APPEARANCES

<u>Party</u>	<u>Time Allotted</u>
<u>Day 4 – October 3, 2022</u>	
Panel A	
City of Monroe, Louisiana	5 minutes
• Friday Ellis, Mayor	
Pacific Northwest Waterways Association	5 minutes
• Heather Stebbings, Executive Director	
City of Gonzales, Louisiana	5 minutes
• Jackie Baumann, Chief Engineer	
Amy Koch, former Majority Leader, Minnesota State Senate	5 minutes
USD Group	5 minutes
• Dan Borgen, Chairman, President, and CEO	
Panel B	
Canadian Forest Products Ltd.	5 minutes
• David Trent, SVP, Supply Chain and Digital	
Southern Rail Commission	5 minutes
• Knox Ross, Chairman	
Supply Chain of SSAB Americas	5 minutes
• Sean Keenan, Vice President, Supply Chain	
The North Dakota Grain Dealers Association (NDGDA) and Fessenden Co-op Association (FCA)	5 minutes
• Mark Hovland, NDGDA Immediate Past President and FCA General Manager	

Panel C

Joint Associations ²	10 minutes
• Jeff Moreno of Thompson Hine LLP, counsel	
The Chlorine Institute	7 minutes
• Michael F. McBride of Van Ness Feldman LLP, counsel	

² The Joint Associations include the American Chemistry Council, the Fertilizer Institute, and the National Industrial Transportation League.

Day 5 – October 4, 2022

Panel D

Progressive Rail Incorporated	5 minutes
• Dave Fellon, President	
Ray-Carroll County Grain Growers, Inc.	5 minutes
• Beau Hepler, General Manager	
Nahant Marsh Education Center	5 minutes
• Brian Ritter, Executive Director	
Hapag-Lloyd (America) LLC	5 minutes
• Uffe Ostergaard, President	
Americold	5 minutes
• Mathew Moore	

Panel E

Baton Rouge Area Foundation	5 minutes
• John Spain, Executive Vice President	
California Association of Port Authorities	5 minutes
• Martha Miller, Executive Director	
Mastronardi Produce Limited	5 minutes
• Gerardo Magno, Vice President, Logistics	
Ingredion Incorporated	5 minutes
• Rob Ritchie	

Panel F

NFI Industries	5 minutes
• Mark McKendry	
Southeast Louisiana Super Region	3 minutes
• Michael Hecht	
Dead River Company, LLC (Dead River)	5 minutes
• Alan Dorr	
• Sandy Brown	

Day 6 – October 6, 2022

Panel G

Applicants

90 minutes

- Keith Creel, President and CEO of Canadian Pacific Railway Company (Canadian Pacific Railway)
- Patrick J. Ottensmeyer, President and CEO of Kansas City Southern (KCS)
- John Brooks, Canadian Pacific Railway’s Executive Vice President and Chief Marketing Officer
- James Clements, Canadian Pacific Railway’s Senior Vice-President Strategic Planning and Technology Transformation
- Raymond A. Elphick, Canadian Pacific Railway’s Assistant Vice President Service and Product Design
- John F. Orr, KCS’s Executive Vice President, Operations
- W. Robert Majure, Vice President, Cornerstone Research
- David L. Meyer of the Law Office of David L. Meyer, counsel for Applicants
- William A. Mullins of Baker & Miller PLLC, counsel for Applicants