

KIRKLAND & ELLIS LLP

1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
United States

+1 202 389 5000

www.kirkland.com

Daniel T. Donovan, P.C.
To Call Writer Directly:
+1 202 389 5174
daniel.donovan@kirkland.com

310910

Facsimile:
+1 202 389 5200

February 24, 2026

ENTERED
Office of Chief Counsel
February 24, 2026
Part of BNSF-19
Public Record

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

*Re: STB Docket No. FD 36873 – United States Department of Justice Motion for
Supplemental Protective Order*

Dear Chief of Case Administration:

On February 4, 2026, the United States Department of Justice (“DOJ”) moved for a Supplemental Protective Order to govern its access to confidential information produced in this proceeding. As detailed in the motion, the original Protective Order entered on August 5, 2025 contains requirements that may impede the DOJ’s participation.

BNSF Railway Company supports the motion. The Supplemental Protective Order will allow the DOJ to meaningfully participate in these proceedings and assess the proposed merger, pursuant to its right to intervene under 49 U.S.C. § 11325(b)(1). To the extent materials submitted in these proceedings contain BNSF’s Confidential or Highly Confidential information, BNSF does not object to DOJ’s request to access this information.

Sincerely,

/s/ Daniel T. Donovan

Daniel T. Donovan, P.C.

CERTIFICATE OF SERVICE

I certify that I caused the foregoing to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias.

/s/ Onika K. Williams

Attorney for BNSF Railway Company

February 24, 2026