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July 28, 2023

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
U.S. Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Docket No. FD 35068, *Soo Line Railroad Company d/b/a Canadian Pacific Railway – Acquisition and Operation Exemption – BNSF Railway Company*

Dear Ms. Brown:

We are writing on behalf of Soo Line Railroad Company d/b/a Canadian Pacific Kansas City (“CPKC”), to respond to the letter filed on July 26, 2023 in the above referenced docket by New Century Ag (“NCA”) asking that the Board “expeditiously” issue a final decision. NCA states that its members desire “clarity on the availability of BNSF unit train service.”

CPKC supports the Board’s expeditious resolution of this matter. The path to the clarity that NCA seeks is already before the Board in the record of this proceeding. As indicated in CPKC’s filings of June 6, 2022 and July 5, 2022, CPKC has formally offered to BNSF an expansion of the existing haulage arrangement (which the parties extended in May 2023) that would enable BNSF to provide unit train service to NCA via a connection with CPKC at Minot, ND. In order for NCA to receive the competitive option that it has sought in this proceeding BNSF need only accept CPKC’s offer – an offer which builds upon BNSF’s own commitments made to the Board regarding its dispatching of haulage trains at the level crossing with BNSF at Minot so as to avoid causing congestion on CPKC’s critical single-tracked north-south mainline. CPKC has made clear that it will hold open its offer to modify the haulage arrangement even after this proceeding is terminated.

CPKC urges the Board to provide the clarity NCA seeks by issuing a decision confirming that CPKC’s proposal enables BNSF to provide NCA with unit train service via CPKC haulage and terminating this proceeding. If BNSF has any commercial interest in providing attractive unit train service to NCA, it will be able to do so under the proposed terms that CPKC has offered. The only thing standing in the way of NCA having clarity about what unit train terms BNSF is prepared to offer is BNSF’s desire to hold out for the

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haulage terms it prefers that would do nothing to protect CPKC and the City of Minot from operational problems associated with BNSF's unit train operations. A Board decision will bring that uncertainty to an end.

Sincerely,

/s/ *David F. Rifkind*

Counsel for Soo Line Railroad Company

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of July, 2023, copies of the foregoing Letter were served by electronic mail on the following:

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/s/ David F. Rifkind
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