

CP Rail voluntarily undertook to comply with St. Paul zoning and land use preclearance requirements, and then elected to withdraw, as manifest in CP Rail's original petition to this agency. City concedes it may not enforce any of its regulations that are in the nature of pre-clearance requirements absent CP Rail's voluntary compliance, so CP Rail's petition is moot. City neither has identified nor has sought to enforce any non-preclearance police power requirements upon CP Rail's yard project. CP Rail cannot demonstrate that something neither identified nor applied is an "unreasonable burden on interstate commerce." That being the case, CP Rail in its motion neither clarifies the record nor shows anything to complete it, but instead seeks an order violating STB precedent. The motion for leave should be denied, but were it granted, the unprecedented relief sought by CP Rail in its reply to reply (per se preemption of all City's police powers) must be denied.

Respectfully submitted,

/s/

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Certificate of Service

I hereby certify service of the foregoing by U.S. Mail, first class or equivalent, postage pre-paid, on 28 August 2014 upon the following counsel of record for Soo Line d/b/a CP Rail:

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