

301690

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36447

**LAKE PROVIDENCE PORT COMMISSION
– FEEDER LINE APPLICATION –
LINE OF DELTA SOUTHERN RAILROAD, INC. LOCATED IN
EAST CARROLL AND MADISON PARISHES, LOUISIANA**

**DELTA SOUTHERN RAILROAD, INC.’S
PETITION FOR ISSUANCE OF A SUBPOENA**

ENTERED
Office of Proceedings
February 26, 2021
Part of
Public Record

Delta Southern Railroad, Inc. (“DSR”) hereby petitions the Surface Transportation Board (the “Board”) for issuance of a subpoena to require North Louisiana & Arkansas Railroad (“NLA”) to respond to discovery that DSR served upon it on February 5, 2021. The discovery requests at issue (31 Interrogatories and 1 Request to Produce Documents) are attached as Exhibit A. DSR makes this request pursuant to the Board authority to issue subpoenas pursuant to 49 U.S.C. § 1321(c) and 49 C.F.R § 1113.2.

On November 12, 2020, Lake Providence Port Commission (“LPPC”) filed a feeder line application (the “Application”), asking the Board to compel DSR to sell roughly 20 miles of its railroad lines (the “DSR Line”) to LPPC. LPPC supplemented the Application in keeping with the Board’s directions on December 22, 2020, and the Board accepted the Application in an order served on January 15, 2021.

On February 5, 2020, DSR served written interrogatories and a single request to produce documents (seeking production of all documents identified in response to the

interrogatories) on LPPC, Southeast Arkansas Economic Development District (“SEAEDD”), and NLA. On February 18, 2021, NLA (represented by the same counsel as LPPC and SEAEDD) filed a Motion for Protective Order (the “Motion”) directed at the interrogatories (but not the request to produce). The Motion – (i) argues that, because NLA is not a party to this proceeding, it is not required to answer the discovery; (ii) supplies unverified substantive responses to select interrogatories; and (iii) offers specific objections without substantive response to nine of the interrogatories. The Motion is not appropriately framed under the enumerated standards for seeking a protective order under 49 C.F.R. § 1114.21(c), as DSR has explained in its reply in opposition to the Motion filed concurrently with this Petition.

Mindful, however, of NLA’s asserted non-party status, and aware that the issue overshadows NLA’s Motion, DSR has concluded that it would be best to request that the Board issue a subpoena directing NLA to respond to DSR’s discovery, thereby eliminating any question of NLA’s connection with this proceeding.

While not designated as a “party of record” under the Board’s docket, NLA occupies a central role nonetheless, and it has a clear, vested interest in the outcome of this proceeding. The production of the information within NLA’s possession could be critical to DSR’s ability to adequately defend itself against the Application, and would facilitate a fair and just resolution of the Application.

The bases of NLA’s vested interest in this case are briefly outlined below.

1. NLA’s lines connect with the northern end of the DSR Line. NLA purports to have an interest in establishing an active interchange at that point of connection despite the extended absence of any traffic moving between the two railroads. NLA’s

knowledge of efforts to develop an NLA-DSR interchange for through traffic, and the inability of DSR and NLA to develop any meaningful interchange business over the years, are well known to NLA. The information possessed by NLA, along with NLA's particular understanding for why such businesses failed to materialize from its end, will assist DSR in addressing the substance and merit of many of the claims contained in LPPC's Application that rely on through traffic expectations.

2. LPPC has designated NLA as the proposed operator of the DSR Line.

Thus, NLA has just as much interest in the outcome of this proceeding as LPPC and SEAEDD.

3. NLA's Vice President, Daniel B. Robbins, submitted a Verified Statement included with, and supportive of, the Application. In his Verified Statement, Mr. Robbins lists the names of "multiple customers" on NLA who would ship over the DSR Line segment if DSR were forced by Board order to relinquish that railroad property. NLA clearly believes that it has information relative to the traffic that LPPC envisions would move over the DSR Line, and the volume of such traffic. It should provide that information to DSR.

Under the circumstances, DSR's discovery requests address issues directly relevant to this proceeding and within NLA's knowledge -- issues such as (a) NLA's conversations with customers or would-be customers on the DSR Line (Interrogatories 1-3); (b) NLA's communications with customers that are not located on the DSR Line, but which have expressed a desire to ship freight over the segment at issue (Interrogatories 4-6); (c) the condition and operability of NLA's track north of the DSR connection (Interrogatories 11-14); and (d) revenue and carload projections for rail traffic that NLA believes would move over the DSR Line if taken from DSR and operated by NLA (Interrogatories 22 and 23). These and related

items that are the focus of DSR's interrogatories are central to the merits of the subject Application, and thus, NLA's knowledge relative to these issues is highly relevant and probative.

Under Board precedent, a third party's interest in the outcome of a proceeding should be considered when determining whether discovery should issue to a third party:

In Reasonableness of BNSF Railway Company Coal Dust Mitigation Tariff Provisions, ("Coal Dust") FD 35557, slip op. at 4 (STB served June 25, 2012), the Board affirmed the Director's application of a test in which "[a]ll discovery requests entail the balancing of the relevance of the information sought against the burden of producing that information." *Coal Dust* at 4. The balance between the relevance of the information sought and the burden of producing it hinges on the nonparty's relationship to the proceeding; if the nonparty is a stranger to the litigation (*i.e.*, has no clear interest in the proceeding and will not be directly affected by its outcome) and responding to a subpoena to compel would be expensive, oppressive or burdensome, then a strong foundation regarding the relevance of the information sought is required. *Id.* (citing *Asphalt Supply & Serv., Inc. v. Union Pac. R.R.*, NOR 40121 (ICC served Mar. 27, 1987)). If, on the other hand, a party seeks a subpoena compelling a nonparty that has a clear interest in the proceeding and will be directly affected by its outcome, then a very strong foundation as to relevance is not a prerequisite to the issuance of the subpoena. *Id.*

Ballard Terminal Railroad Company, L.L.C. – Acquisition and Operation Exemption –

Woodinville Subdivision, Docket No. AB 6 (Sub-No. 465X) (STB served May 17, 2013), 3.

NLA's Motion for Protective Order, brought pursuant to an inapposite regulatory standard and riddled with inconsistencies and unverified "responses," cannot be the measure by which discovery is had before the Board. And to avoid any confusion created by NLA's recent filing, the Board should issue a subpoena requiring NLA to provide substantive responses to DSR's interrogatives and request to produce documents in keeping with the discovery procedures set forth at 49 C.F.R. §§ 1114.26 and 1114.30.

Respectfully submitted,

/s/ *Thomas J. Healey*

James D. Helenhouse

Thomas J. Healey

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29 North Wacker Drive

Suite 800

Chicago, Illinois 60606-3208

(312) 252-1500

**ATTORNEYS FOR DELTA SOUTHERN
RAILROAD, INC.**

Dated: February 26, 2021

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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THOMAS J. HEALEY

(312) 252-1505

thealey@fletcher-sippel.com

February 5, 2021

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Via email rhstreeter@gmail.com

Re: *LPPC – Feeder Line Application – Delta Southern
FD No. 36447*

Dear Richard:

Per our discussion of yesterday, I am enclosing Delta Southern's First Set of Interrogatories and First Set of Requests to Produce. The discovery is drafted for service on, and responses from, Lake Providence Port Commission ("LPPC"), Southeast Arkansas Economic Development District ("SEAEDD") and North Louisiana & Arkansas Railroad ("NLA"), within twenty (20) days from the date of service. While LPPC is clearly a party in the referenced docket (and thus subject to discovery pursuant to 49 C.F.R. § 1114 Subpart B), it is less clear that SEAEDD and NLA would be deemed parties, even though each has participated at some level in filings to date. You were going to check to see if you represent NLA in this docket, and whether SEAEDD and/or NLA deem themselves parties to the docket, and thus are subject to responding to discovery requests, or would otherwise voluntarily respond under oath to the discovery. In light of the expressed desire to expedite the resolution of this docket, it would be helpful to know the answers to those issues as soon as possible.

Also, while objections are clearly allowed within twenty days of service, in order to keep this matter on schedule, please let me know of any objections to the enclosed discovery as soon as possible, so that we can expeditiously work toward a resolution.

Finally, I'm confirming that you and I have agreed to forego service of paper copies in this docket, and will accept electronic service as full satisfaction of service requirements, with a return receipt issued for each such transmission. I would appreciate your confirmation of acceptance of this process. If that arrangement causes issues in a particular context, let's discuss.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

Richard H. Streeter

February 5, 2021

p. 2

Please let me know if you have any questions, and have a good weekend.

Very truly yours,

Thomas J. Healey

Thomas J. Healey
Attorney for Delta Southern Railroad, Inc.

TJH/tjh
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. 36447

**LAKE PROVIDENCE PORT COMMISSION
— FEEDER LINE APPLICATION—
LINE OF DELTA SOUTHERN RAILROAD LOCATED IN
EAST CARROLL AND MADISON PARISHES, LA.**

FIRST SET OF INTERROGATORIES

Pursuant to 49 C.F.R. §1114.26, Delta Southern Railroad, Inc., by and through its attorneys, hereby requests that the Lake Providence Port Commission, the North Louisiana & Arkansas Railroad, and Southeast Arkansas Economic Development District respond under oath to the following interrogatories on or before twenty (20) days from the service hereof.

DEFINITIONS

All terms shall be deemed to include any gerund or participial forms of the defined term. Lower case versions of the terms below may be used for ease of reading or context.

“And” “or,” and/or “each” shall be construed in the disjunctive or conjunctive as necessary in order to bring within the scope of each Interrogatory all responsive information or Documents which otherwise might be construed as outside the scope of the Interrogatory.

“Application” shall mean the Feeder Line Application filed by LPPC with the STB on November 12, 2020, as amended and supplemented from time to time.

“Communication(s)” shall mean the transmittal or exchange of information of any kind in any form, including oral, written, or electronic form.

“Corridor” shall mean the existing 91.3-mile rail line extending from milepost 408.9 at McGehee, Arkansas to milepost 500.2 at Tallulah, Louisiana.

“Document” and “Documents” shall have the meaning defined in Fed. R. Civ. Procedure 34. Rather than attempt to provide an exhaustive list of examples, “Documents” should be interpreted in its broadest sense as any representation of information. It is intended to include paper, e-mail, electronic, digital, magnetic, computer, analog, or any other method of keeping information. All preliminary drafts, revisions, or non-identical copies of the same information should be considered different “Documents.” Likewise, copies of the same information on different media (*e.g.*, an audio statement and typed transcript of the same statement) should be considered different “Documents.”

“DSR” shall mean Delta Southern Railroad, Inc.

“Expenditure” shall mean all amounts denominated in United States currency reflecting the payment, debit, or reduction in value entered onto a system of accounts, books and records, or ledgers arising out of a distinctly identifiable purpose or obligation at a certain, discrete time.

“FRA” means the U.S. Federal Railroad Administration.

“Grant” shall mean the Infrastructure For Rebuilding America program administered by the USDOT, as further defined in the Application, and as awarded to SEAEDD.

“Identify” or “Identity” shall mean:

- (a) describe fully by reference to underlying facts rather than by reference to ultimate facts or conclusions of fact or law;
- (b) where applicable, particularize as to time, place, and manner;
- (c) set forth all relevant facts and information/data necessary to the complete understanding of the act, process, event, exchange, or thing in question;
- (d) as to a Person: name, business and residence address(es), last known telephone number, occupation, job title, and dates so employed; and, if not an individual, state the type of entity, and last known address of its principal place of business; to the extent that any of the above information is not available, please state all other available means of identifying and locating such Person;
- (e) as to a Document: the type of Document (letter, memorandum, printed version of an electronic mail message, printed version of a facsimile, etc.), the Identity of the author or originator, the date authored or originated, the Identity of each person to whom the original or a copy was addressed or delivered, the Identity of such person known or reasonably believed by any Respondent to have present Possession, Custody or Control thereof, and a brief description of the subject matter thereof;
- (f) as to a Communication: the date of the Communication, the type of Communication (telephone conversation, electronic mail message,

meeting, etc.), the place where the Communication took place, the Identity of the Person who made the Communication, the Identity of each person who received the Communication and of each Person present when it was made, and the subject matter discussed; and

- (g) as to a meeting: the date of the meeting, the place of the meeting, each Person invited to attend, each Person who attended, and the subject matter discussed.

“LPPC” shall mean the Lake Providence Port Commission.

“LPPC Segment” shall mean that portion of the Corridor between milepost 454.8 and 471.0.

“MPP” shall mean Madison Parish Port Commission.

“NLA” shall mean the North Louisiana & Arkansas Railroad.

“Non-On-Line Customers” shall mean all rail shippers, or potential rail shippers, that own or operate facilities that are not located adjacent to the Segment, whether or not located adjacent to any track operated by NLA.

“On-Line Customers” shall mean all rail shippers, or potential rail shippers, that own or operate facilities that are located adjacent to the Segment and that have an existing or retired spur track from the Segment onto the facility’s property.

“Person” shall mean a natural person, firm, partnership, corporation, proprietorship, joint venture, association, or any other organization or entity.

“Possession, Custody or Control” includes the joint or several Possession, Custody or Control not only by the Person(s) or entity(ies) to which these Interrogatories are addressed, but also the joint or several Possession, Custody or Control by each or any other Person acting or purporting to act on behalf of the Person, whether as employee, attorney, accountant, agent, sponsor, spokesman, or otherwise.

“Relating” or “Related” to any given subject shall mean, without limitation, any Document that constitutes, contains, embodies, reflects, Identifies, states, refers directly or indirectly to, or is in any way relevant to the particular subject matter identified, or which may lead to relevant information regarding the particular subject matter identified.

“Respondents” shall mean LPPC, NLA and SEAEDD, collectively and/or individually.

“SEAEDD” shall mean the Southeast Arkansas Economic Development District.

“Segment” shall mean that 20-mile portion of the Corridor extending from milepost 471.0 to milepost 491.0.

“STB” shall mean the U.S. Surface Transportation Board.

“USDOT” shall mean the United States Department of Transportation and all of its agencies, including, but not limited to, FRA.

INSTRUCTIONS

Respondents are requested to conform to the following instructions in responding to these Interrogatories.

A. Each paragraph below shall operate and be construed independently.

Unless otherwise indicated, no paragraph limits the scope of any other paragraph.

B. Where an Interrogatory seeks or may be responded to from data in a computer-readable format, machine-readable format, or in its native format, this data is defined as including, but is not limited to, any electronically stored data on hard disk drives, optical storage media (*e.g.*, CD or DVD), flash, or solid state memory (*e.g.*, USB drive or SSD), or as an “active” file or files readable by one or more computer applications (*e.g.*, a Microsoft Excel file).

C. If any information is withheld from the answer to any Interrogatory, state with specificity the basis for such withholding.

D. Respondents are requested to seasonably supplement its answers to these Interrogatories with responsive information or documents.

E. All Documents should be produced in the form in which they are retained by respondents in their usual course of business (*e.g.*, if the Documents are in a file, the file containing the Documents should be produced), unless otherwise agreed to by Respondents and DSR. All files containing responsive Documents should be identified by the file name and number.

F. If Documents are used to answer Interrogatories, please organize or number the Documents produced in such a manner that DSR may readily determine which Documents are being produced in response to each specific Interrogatory.

G. In the event any Respondent objects to producing any Documents on grounds that Respondent does not maintain the information described in the form or format requested by DSR, please produce the Documents which contain such information in whatever form or format Respondent does maintain such information.

H. In the event that Respondent believes that portions of any Document that may otherwise contain responsive information may not be responsive or relevant, DSR requests that the Respondent produce it in its entirety. DSR states that is willing to discuss with Respondent the possibility of redactions of such portions of individual documents, as appropriate, on a Document by Document basis. If for any reason any Document or other information is being withheld on this basis by the Respondent, or the Respondent objects to producing documents or other information in response to any Interrogatory on this basis, DSR requests that the Respondent specifically so state, and provide the specific basis for its objection.

I. DSR reserves the right to file supplemental or follow-up discovery.

J. Unless otherwise specified, these Interrogatories cover the time period from January 1, 2015 to present.

K. Documents from any single file should be produced in the same order as they were found in such file. If copies of Documents are produced in lieu of the originals, such copies should be legible and bound or stapled in the same manner as the original.

L. If any Document responsive to these Interrogatories has been destroyed, describe the content of said Document, the location of any copies of said Document, the date of such destruction and the Identity of the Person who ordered or authorized such destruction.

M. If the production of any responsive Document or information is objected to on the ground of privilege or work product, with respect to each such Document, state:

- (1) The date appearing on such Document, or if no date appears, the date on which such Document was prepared;
- (2) the name of each Person to whom such document was addressed;
- (3) the name of each Person, other than the addressee(s) identified in subparagraph (2) above to whom such Document or copy thereof was sent, or with whom such Document was discussed;
- (4) the name of each Person who signed such Document or, if not signed, the name of each Person who prepared it;
- (5) the name of each Person making any contribution to the authorship of such Document;
- (6) the job title or position of each Person identified in subparagraphs (2), (3), (4) and (5);
- (7) the date such Document was received or discussed by each Person identified in subparagraph (2) or (3) above;
- (8) the general nature or description of such Document, and the number of pages of which it consists;

(9) the name of each Person who currently has custody or such Document; and

(10) the specific ground(s) upon which the claim of privilege rests.

N. If a Respondent is not in Possession, Custody or Control of Documents responsive or information responsive to these Interrogatories, but believes that a third party may be in Possession, Custody or Control of such Documents or information, identify such third party in the Respondent's answer.

O. In answering each Interrogatory, Identify each person who assisted or participated in preparing and/or supplying any of the information given in answer to or relied upon in preparing the response to that Interrogatory.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify all On-Line Customers, and for each such On-Line Customer, Identify its name, its location (by milepost and/or street address), a general description of the commodities it handles, and any information regarding its rail shipping history (including but not limited to commodities shipped, origin or destination for rail shipments, and date or year of shipment).

INTERROGATORY NO. 2:

For each On-Line Customer identified in response to Interrogatory No. 1, Identify all Communications with such On-Line Customer by one or more of the Respondents or MPP.

INTERROGATORY NO. 3:

For each On-Line Customer identified in response to Interrogatory No. 1, Identify any commitment or estimate (on a weekly, monthly, or annual basis) made by or on behalf of

such On-Line Customer of rail shipments to be made to or from its facility over the Segment at any point in the future.

INTERROGATORY NO. 4:

Identify all Non-On-Line Customers that have expressed an interest in routing traffic over the Segment, and for each such Non-On-Line Customer, Identify its name, its location (by milepost and/or street address), a general description of the commodities it handles, and any information regarding its rail shipping history (including but not limited to commodities shipped, origin or destination for rail shipments, and date or year of shipment).

INTERROGATORY NO. 5:

For each Non-On-Line Customer identified in response to Interrogatory No. 4, Identify all Communications with such Non-On-Line Customer by one or more of the Respondents or MPP.

INTERROGATORY NO. 6:

For each Non-On-Line Customer identified in response to Interrogatory No. 4, Identify any commitment or estimate (on a weekly, monthly, or annual basis) made by or on behalf of such Non-On-Line Customer of rail shipments to be made to or from its facility over the Segment at any point in the future.

INTERROGATORY NO. 7:

Identify all agreements, understandings or customs between NLA and DSR regarding the interchange of freight traffic between them.

INTERROGATORY NO. 8:

Identify all agreements, understandings or customs between NLA and DSR regarding the pricing of freight traffic to be interchanged between them.

INTERROGATORY NO. 9:

For each Non-On-Line Customer served directly by NLA with which one or more Respondents or MPP has had Communications regarding the movement of freight traffic by rail over the Segment, Identify the off-line origin or destination to which such freight movement moved or was intended to move. For each such origin or destination, Identify the shortest rail routing such traffic could access to reach the origin or destination if it did not move over the Segment, the mileage difference between effecting such a movement over the Segment as compared to not moving over the Segment, and the carloads of such rail movements to or from such origins or destinations made annually for the Non-On-Line Customer by NLA.

INTERROGATORY NO. 10:

Identify all Communications between one or more Respondents and/or MPP, on the one hand, and any entity currently or formerly using the Segment for rail freight car storage on the other, regarding any aspect of that entity's relationship with DSR, including but not limited to charges for car storage, the term of its car storage agreements(s) with DSR, and alternatives to storing cars on DSR.

INTERROGATORY NO. 11:

Identify (including origin, destination, date(s) and commodity) all movements of rail freight cars (loaded or empty) over the LPPC Segment.

INTERROGATORY NO. 12:

Identify all existing or expired embargoes, OPSL Notes, Documents, or other Communications Relating to NLA's ability or willingness to move rail traffic over the LPPC Segment.

INTERROGATORY NO. 13:

Identify by milepost all segments of rail that have been removed (whether by NLA, LPPC, or otherwise) from the LPPC Segment and not immediately replaced. For each such segment of rail, Identify the approximately time period between when the rail was removed and when it was replaced, why the segment of rail was removed, by whom it was removed, and by whom it was replaced.

INTERROGATORY NO. 14:

Identify by milepost all segments of the LPPC Segment that have deemed by any Respondent or FRA as "out of service" pursuant to 49 C.F.R. § 213 et seq., and for each such segment, identify the time period in which the segment was deemed out of service.

INTERROGATORY NO. 15:

Identify all Communications that any Respondent or MPP has had with each of the entities described below Relating to any aspect of the Application.

- a. On-Line Customers.
- b. Non-On-Line Customers.
- c. the State of Louisiana Department of Transportation and Development.
- d. the USDOT.

e. East Carroll Parish, Louisiana

f. Madison Parish, Louisiana.

INTERROGATORY NO. 16:

Identify all Communications between any Respondent or MPP, on the one hand, and USDOT on the other, regarding the need to spend any portion of the Grant proceeds on the Segment.

INTERROGATORY NO. 17:

Identify all Communications between any Respondent or MPP, on the one hand, and USDOT on the other, regarding the need to spend any portion of the Grant proceeds to assure that the Corridor provides a contiguous route for the through movement of rail freight.

INTERROGATORY NO. 18:

Identify (i) all time deadlines currently imposed on any Respondent for Expenditure of the Grant, and (ii) any other timelines currently in effect under the Grant.

INTERROGATORY NO. 19:

Identify all Communications between DSR, on the one hand, and a Respondent or MPP on the other, that any Respondent believes was a commitment by DSR to expend any portion of the Grant on the Segment.

INTERROGATORY NO. 20:

Identify all Communications or Documents wherein DSR stated that it is or was “incapable” of funding the rehabilitation of the Segment, as alleged on p. 4 of the Application.

INTERROGATORY NO. 21:

Identify the formal operating plan, as referenced on p. 5 of the Application.

INTERROGATORY NO. 22:

Identify all projections or assumptions of loaded railcars to be moved by NLA over the Segment (on a weekly, monthly, or annual basis) if the Application is granted.

INTERROGATORY NO. 23:

Identify all projections or assumptions of revenue to be earned by NLA for the movement of rail traffic over the Segment (on a weekly, monthly, or annual basis) if the Application is granted.

INTERROGATORY NO. 24:

Identify all Communications between Respondents or MPP, on the one hand, and “HDR” on the other, regarding the Grant, the Corridor, the Segment, or the Application, as identified on p. 9 of the Application.

INTERROGATORY NO. 25:

Identify all Communications or Documents Relating to the efforts of any of the Respondents to purchase the Segment from DSR through negotiation.

INTERROGATORY NO. 26:

Explain all reasons why DSR was not permitted to participate in the meeting in Washington, D.C. with USDOT regarding the Grant on in Spring, 2020.

INTERROGATORY NO. 27:

Identify all versions of the “Consortium Agreement,” as referenced on p. 11 of the Application.

INTERROGATORY NO. 28:

Identify the “letter from FRA approving of the requested changes to the scope of work,” as referenced on p. 11 of the Application.

INTERROGATORY NO. 29:

Identify all efforts, undertaken by any person or entity, to effect “reallocation of the \$3.2 million plus Engineering,” as referenced on p. 16 of the Application, including, but not limited to, Communications with USDOT regarding that subject, or Documents reflecting that subject.

INTERROGATORY NO. 30:

Identify the “time restraints on SEAEDD” imposed by the Grant, as referenced on p. 4 of LPPC’s and SEAEDD’s “Petition Seeking Expedited Consideration.”

INTERROGATORY NO. 31:

Identify each Person providing Documents, information and/or other assistance in responding to these Interrogatories, and for each such Person, Identify the Interrogatory(ies) to which such Person provided Documents, information and/or assistance.

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Respectfully submitted,

Thomas J. Healey

Thomas J. Healey
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29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEY FOR DELTA SOUTHERN
RAILROAD, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2021, a copy of the foregoing **First Set of Interrogatories** served by electronic mail on:

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Via email rhstreeter@gmail.com

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. 36447

**LAKE PROVIDENCE PORT COMMISSION
— FEEDER LINE APPLICATION—
LINE OF DELTA SOUTHERN RAILROAD LOCATED IN
EAST CARROLL AND MADISON PARISHES, LA.**

FIRST SET OF REQUESTS TO PRODUCE

Pursuant to 49 C.F.R. §1114.30, Delta Southern Railroad, Inc., by and through its attorneys, hereby requests that the Lake Providence Port Commission, the North Louisiana & Arkansas Railroad, and Southeast Arkansas Economic Development District respond under oath to the following requests to produce on or before twenty (20) days from the service hereof. Definitions and Instructions as contained in the accompanying Interrogatories are equally applicable to these Requests to Produce, with the phrase “Request to Produce” or variations substituted for “Interrogatory” or variations as appropriate.

REQUEST TO PRODUCE NO. 1

Produce all Documents Identified or otherwise referenced in response to the First Set of Interrogatories.

(the remainder of this page intentionally left blank)

Respectfully submitted,

Thomas J. Healey

Thomas J. Healey
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Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEY FOR DELTA SOUTHERN
RAILROAD, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2021, a copy of the foregoing **First Set of Requests to Produce** served by electronic mail (as agreed to by counsel for the parties) on:

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

rhstreeter@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of February, 2021, I served copies of the foregoing Petition electronically (via email) upon each the following party of record:

Richard H. Streeter
5255 Partridge Lane, NW
Washington, DC 20016
rhstreeter@gmail.com

/s/ Thomas J. Healey
Thomas J. Healey