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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Finance Docket No. 36642, Patriot Rail Company LLC, SteelRiver Transport Ventures LLC, Global Diversified Infrastructure Fund (North America) LP, First State Infrastructure Managers (International) Limited, and Mitsubishi UFJ Financial Group Inc.— Control Exemption —Delta Southern Railroad, Inc.

Dear Ms. Brown:

On October 11, 2022, Lake Providence Port Commission (“LPPC”) submitted a motion to waive the Board’s rule prohibiting a reply to a reply. 49 C.F.R. § 1104.13(c). LPPC’s reply to a reply should be rejected under the Board’s explicit prohibition against such a filing and on the merits.

LPPC already had its opportunity to file with the STB and to make its best case when it filed on September 28, 2022, a “Reply of [LPPC] and Request to Postpone Effective Date of the Notice of Exemption and Other Relief.” It failed to make a case for a stay or any other relief -- as pointed out in Patriot Rail Company’s (“Patriot Rail”) reply to LPPC’s “Request,” which Patriot Rail filed on October 7, 2022. LPPC’s reply to Patriot Rail’s reply, which repeats LPPC’s prior arguments and its version of alleged history, does not provide information that is new or necessary to develop a more complete record, nor does LPPC show good cause for waiving the Board’s prohibition on replies to replies.¹

Moreover, a reply to a reply is particularly unwarranted here because (1) there is no pending feeder line application filed by LPPC;² (2) Patriot Rail has acknowledged that LPPC

¹ See e.g., *Petition of the Western Coal Traffic League to Institute a Rulemaking Proceeding to Abolish the Use of the Multi-Stage Discounted Cash Flow Model in Determining the R.R. Industry’s Cost of Equity Capital*, STB Docket No. Ex Parte 664 (Sub-No2) (Served Aug. 14, 2017)(rejecting reply to a reply using these criteria).

² *Lake Providence Port Comm.— Feeder Line Application—Line of Delta South. R.R. Located in East Carroll and Madison Parishes, LA*, Finance Docket No. 36447, at 5 (STB served Aug. 23, 2022) (“The Board will grant LPPC leave to file a full amended application and will recommence the process for considering that application under 49 C.F.R. part 1151.”).

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remains free to file an amended feeder line application, if warranted, and that Patriot Rail remains free to defend against it;³ and (2) the Board has expressed skepticism about any such LPPC feeder line application.⁴ Any discussion of a hypothetical future potential feeder line filing by LPPC is completely unrelated to Patriot Rail's pending exemption filing and should be excluded from this docket.

Patriot Rail looks forward to a brighter future for the rail lines at issue by bringing its deep short line experience and entrepreneurial spirit to current and future customers. Accordingly, there is no reason for the Board to abandon here its explicit prohibition against the filing of replies to a reply.

Respectfully submitted,

John M. Scheib

cc: All Parties of Record

³ Verified Notice of Exemption, *Patriot Rail Company LLC, SteelRiver Transport Ventures LLC, Global Diversified Infrastructure Fund (North America) LP, First State Infrastructure Managers (International) Limited, and Mitsubishi UFJ Financial Group Inc.—Control Exemption—Delta Southern Railroad, Inc.*, Finance Docket No. 36642 at 3 (filed Sept. 23, 2022)(Patriot Rail's control of Delta South. R.R. "does not foreclose either LPP[C] from pursuing a supplemental feeder line application or Patriot Rail from defending against it.").

⁴ *Lake Providence Port Comm.—Feeder Line Application—Line of Delta South. R.R. Located in East Carroll and Madison Parishes, LA*, Finance Docket No. 36447, at n. 14 (STB served Aug. 23, 2022).