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May 12, 2023

Via E-Filing

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

Re: Docket No. FD 36695, *The Wenger Group, Inc., and Esbenshade, Inc.—Petition for Declaratory Order and Injunctive Relief—Rail Service to Pennsylvania Feed Mills and Other Facilities*

Dear Ms. Brown:

This letter is filed on behalf of Norfolk Southern Railway Company and Kellogg Company in response to the Board's order issued yesterday placing this proceeding in abeyance and tolling all deadlines. The Board issued this order in response to a filing submitted on May 10, 2023, by the National Railroad Passenger Corporation ("Amtrak") advising the Board that Amtrak and Petitioners reached a confidential settlement in principle and seeking an abeyance *as to Petitioners*. The letter also requested that the due date for replies to the request for declaratory relief be extended to May 30, 2023.

Norfolk Southern joined the filing based on the express representation by Amtrak and Petitioners that the abeyance requested was as to Petitioners only, but not to Kellogg Company, which has separately sought to intervene in the case.

Norfolk Southern and Kellogg Company respectfully request that the Board (1) modify its order to lift the stay of proceedings as to Kellogg, (2) set a May 30, 2023 deadline for responses to the petition for declaratory relief, (3) grant Kellogg's petition to intervene; and (4) set a May 30, 2023 deadline for responses to Kellogg's request for injunctive relief and a directed service order.

Undersigned counsel can represent that this request is not opposed by Petitioners or Amtrak.

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Respectfully submitted,

/s/ Raymond A. Atkins

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/s/ Thomas W. Wilcox

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cc: Parties of Record