



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of Proceedings
November 20, 2023
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November 20, 2023

The Honorable John Kennedy
437 Russell Senate Office Building
Washington, DC 20510

The Honorable Bill Cassidy, M.D.
455 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Cotton
326 Russell Senate Office Building
Washington, DC 20510

The Honorable John Boozman
555 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Eric Crawford
2422 Rayburn House Office Building
Washington, DC 20515

The Honorable Julia Letlow
142 Cannon House Office Building
Washington, DC 20515

Dear Senator Kennedy, Senator Cassidy, Senator Cotton, Senator Boozman, Representative Crawford and Representative Letlow,

Thank you for your recent letter regarding Lake Providence Port Commission—Feeder Line Application—Line of Delta Southern Railroad Located in East Carroll and Madison Parishes, Louisiana, Docket No. FD 36447. The Board appreciates hearing your views on the proposed line acquisition, and the potential beneficial impacts on regions in Arkansas and Louisiana. The Board also understands the concerns about agricultural shipping stemming from the Mississippi River drought conditions, and the need for reliable rail service in the region.

As you may be aware, there have been numerous substantive submissions in this docket since 2020, including Lake Providence Port Commission's (LPPC) supplemental feeder line application, and subsequent responses. On February 2, 2023, the Board issued a decision waiving the 30-day deadline at 49 C.F.R. § 1151.2(b) for reaching a decision on the completeness of LPPC's amended application. In support of the waiver, the Board explained that Delta Southern Railroad's (DSR) motion to reject the application and LPPC's response raised substantive questions about what is necessary to show that a feeder line application is complete under 49 C.F.R. § 1151.2(b)(1). For that reason, the Board found good cause to waive the 30-day deadline.

In a decision served on November 20, 2023, the Board denied DSR's motion to reject LPPC's amended feeder line application and terminate the proceeding. If LPPC certifies by November 30, 2023, that certain filings have been served on all required entities, the Board anticipates promptly issuing a decision conditionally accepting the amended application, and discovery relating to valuation may proceed. The decision also denied two motions to supplement the

amended application. Finally, an administrative law judge was assigned to the case to address any future discovery disputes.

Because this case is pending, I cannot comment further, however, please be assured that the Board will fully consider all public comments and submissions in this proceeding. Thank you again for contacting the Board with your views on this proceeding. A copy of your letter has been placed in the public docket. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,

A handwritten signature in cursive script, reading "Martin J. Oberman".

Martin J. Oberman
Chairman