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December 19, 2023

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VIA FIRST CLASS MAIL

Judge Thomas P. McCarthy
Federal Mine Safety & Health Review Commission
1331 Pennsylvania Ave., NW, Suite 520N
Washington DC 20004-1710

ENTERED
Office of Proceedings
December 19, 2023
Part of
Public Record

Re: Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Mississippi and Choctaw and Marengo Counties, Alabama, FD 36732, Alabama & Gulf Coast Railway LLC – Trackage Rights Exemption – The Kansas City Southern Railway Company D/B/A Canadian Pacific Kansas City, FD 36731, CSX Transportation, Inc. – Acquisition and Operation – Rail Line of Meridian & Bigbee Railroad, L.L.C., FD 36727, CSX Transportation, Inc. – Trackage Rights Exemption – Kansas City Southern Railway Company, FD 36730; Alabama & Gulf Coast Railway LLC – Trackage Rights Exemption – CSX Transportation, Inc., FD 36724, Meridian & Bigbee Railroad, L.L.C. – Discontinuance of Incidental Overhead Trackage Rights – In Lowndes and Montgomery Counties, AL, AB 1335X; CSX Transportation, Inc. – Discontinuance of Trackage Rights Exemption – in Marengo and Choctaw Counties, AL and Lauderdale County, MS, AB 55 (Sub-No. 814X)

Dear Judge McCarthy:

In accordance with the Board's decision served today in CSX Transportation, Inc. – Acquisition and Operation – Rail Line of Meridian & Bigbee Railroad, L.L.C., FD 36727 and Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Mississippi and Choctaw and Marengo Counties, Alabama, FD 36732 and related dockets,¹ on behalf of Norfolk Southern Corporation and Norfolk Southern Railway

¹ The related proceedings include Alabama & Gulf Coast Railway LLC – Trackage Rights Exemption – The Kansas City Southern Railway Company D/B/A Canadian Pacific Kansas City, FD 36731, CSX Transportation, Inc. – Acquisition and Operation – Rail Line of Meridian & Bigbee Railroad, L.L.C., FD 36727, CSX Transportation, Inc. – Trackage Rights Exemption – Kansas City Southern Railway Company, FD 36730; Alabama & Gulf Coast Railway LLC – Trackage Rights Exemption – CSX Transportation, Inc., FD 36724, Meridian & Bigbee Railroad, L.L.C. – Discontinuance of Incidental Overhead Trackage Rights – In Lowndes and Montgomery Counties, AL, AB

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Company (together, “Norfolk Southern”), please find enclosed Norfolk Southern’s filings and documents in the above-referenced proceedings to date. Please note that Norfolk Southern has prepared public and highly confidential versions of various documents throughout the above-referenced proceedings and includes copies of each version where applicable in this production of filings and documents. Below please find an index of the enclosed:

Date	Filing and/or Document
October 25, 2023	Norfolk Southern’s Combined Notice of Intent to Participate and Request to Hold the CPKC/CSXT Transcon Corridor Transaction in Abeyance ²
November 8, 2023	Norfolk Southern’s Motion to Redesignate the Highly Confidential Designations of Certain Materials ³
November 8, 2023	Norfolk Southern’s First Discovery Requests Directed to CPKC
November 9, 2023	Norfolk Southern’s First Discovery Requests Directed to CSXT
November 13, 2023	Norfolk Southern’s Certificate of Service ⁴
November 14, 2023	Norfolk Southern’s First Discovery Requests Directed to Meridian & Bigbee Railroad
November 21, 2023	Norfolk Southern’s Brief Update on the Status of Discovery and other Matters ⁵
November 27, 2023	Norfolk Southern’s Response to MNBR’s General Objections to Norfolk Southern’s First Discovery Requests
November 29, 2023	Norfolk Southern’s First Discovery Requests to Meridian & Bigbee Railroad (Revised) ⁶
December 5, 2023	Norfolk Southern’s Motion to Allow for Completion of Discovery and Amend the Procedural Schedule ⁷

1335X; CSX Transportation, Inc. – Discontinuance of Trackage Rights Exemption – in Marengo and Choctaw Counties, AL and Lauderdale County, MS, AB 55 (Sub-No. 814X)(hereinafter, collectively referred to as “all 7 dockets”).

² Filed in all 7 dockets.

³ Filed in Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Mississippi and Choctaw and Marengo Counties, Alabama, FD 36732.

⁴ Filed in all 7 dockets.

⁵ Filed in Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Mississippi and Choctaw and Marengo Counties, Alabama, FD 36732; CSX Transportation, Inc. – Acquisition and Operation – Rail Line of Meridian & Bigbee Railroad, L.L.C., FD 36727.

⁶ After a meet and confer between MNBR’s counsel and Norfolk Southern’s counsel, Norfolk Southern agreed to narrow Norfolk Southern’s previous discovery requests from 30 to 13 requests.

⁷ Filed in Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County,

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December 6, 2023	Norfolk Southern Second Discovery Requests Directed to CSXT
December 7, 2023	Norfolk Southern Second Discovery Requests Directed to CPKC

Respectfully submitted,

/s/ **Lauren Edwards**

Lauren Edwards

cc: cbrightwell@fmshrc.gov (with enclosures)
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 Parties of Record (without enclosures)
 Surface Transportation Board (without enclosures)