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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: STB FD 36447 *Lake Providence Port Commission—Feeder Line Application—
Line of Delta Southern R.R. Located in East Carroll and Madison Parishes, LA.*

Dear Ms. Brown:

Delta Southern Railroad (“DSRR”) appreciates the Lake Providence Port Authority (“LPPC”) submitting the recent decision of the Louisiana Court of Appeals for the Second Circuit (“Decision”). DSRR notes the following:

1. The Decision affirmed, without the need for argument, the decision of the Sixth Judicial District Court of the Parish of East Carroll, Louisiana (Trial Court No. 23,740), and confirmed that Lake Providence Port Authority (“LPPC”) lacks statutory authority to acquire property outside East Carroll Parish.
2. The Decision affirmed that the lower court’s finding that LPPC was acting “*ultra vires*.”
3. The Decision affirmed the lower court’s issuance of a writ ordering LPPC “to discontinue its pursuit of ownership or control of property outside of East Carroll Parish in its feeder line application.”
4. The Decision was by a vote of three to zero.

Although LPPC has indicated that it intends to seek reconsideration, it should end the wasteful use of taxpayer money and litigation and work with DSRR to develop rail freight in the Lake Providence region. DSRR continues to serve customers and move freight and looks forward to LPPC returning its focus to the same.

Thank you for your consideration, please feel free to contact me.

Respectfully submitted,

/s/ John M. Scheib

John M. Scheib
Attorney for Delta Southern Railroad

cc: Parties of Record