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ENTERED
Office of Proceedings
April 9, 2025
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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”) hereby provides notice that on April 2, 2025, the Louisiana Court of Appeals for the Second Circuit denied an application for rehearing filed by the Lake Providence Port Commission (“LPPC”). The Court’s order is attached. That denial leaves in place that Court’s decision, about which DSRR provided notice to the Board on March 6, 2025, that affirmed the decision of the Sixth Judicial District Court of the Parish of East Carroll, Louisiana (Trial Court No. 23,740) that held that: (1) LPPC lacks statutory authority to acquire property outside East Carroll Parish and is acting “*ultra vires*”; and (2) 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.

DSRR continues to serve and to communicate with customers and potential customers in the region, and it looks forward to LPPC becoming a partner in that effort.

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

Attachment
cc: Parties of Record

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

John Durham Crigler Jr
BISHOP PAXTON CRIGLER MOBERLEY
P. O. Box 97
St. Joseph LA 71366

REHEARING ACTION: April 2, 2025

Docket Number: 56,112-CA

DELTA SOUTHERN RAILROAD, INC.

VERSUS

LAKE PROVIDENCE PORT COMMISSION, WYLY GILFOIL,
MARK BUNTYN, ROGER CLEMENT, JERRY KING,
FRANCIS LENSING, KARVAN POWELL, AND JAMES THOM, IV.

BEFORE JUDGES:

Frances Jones Pitman
Shonda D. Stone
Jefferson Rowe Thompson
Marcus Lamar Hunter
Daniel Joseph Ellender

As counsel of record in the captioned case, you are hereby notified that the application for rehearing filed by Lake Providence Port Commission has this day been

DENIED.

FOR THE COURT

Robin N. Jones
Clerk of Court

cc:

Leila A. D'Aquin, Counsel for the Appellee
Edward T. Hayes, Counsel for the Appellee
Alex P. Tilling, Counsel for the Appellee
John M. Scheib, Counsel for the Appellee

SECOND CIRCUIT COURT OF APPEAL
STATE OF LOUISIANA

Endorsed Filed April 2, 2025

Robin N. Jones
ROBIN N. JONES, CLERK OF COURT
A TRUE COPY - Attest