

BEFORE THE
SURFACE TRANSPORTATION BOARD

CSXT-7

309485

FINANCE DOCKET NO. 36836

ENTERED
Office of Proceedings
April 18, 2025
Part of
Public Record

NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

CSX TRANSPORTATION, INC.'S
SECOND MOTION TO COMPEL PRODUCTION OF
DOCUMENTS BY NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY AND
REQUEST FOR EXPEDITED RELIEF

Pursuant to 49 C.F.R. § 1117.1, CSXT¹ respectfully petitions the Board for an order compelling NS to produce documents and information in response to CSXT's Second Set of Discovery Requests. CSXT has already been forced to file a motion to compel a response to CSXT's First Set of Requests, which is pending before the Board. CSXT asks that the Board act expeditiously on both of CSXT's motions to compel and that the Board explicitly advise NS that it will not countenance further obstruction of discovery in this matter.

NS is refusing to engage in *any* discovery – in outright defiance of the Board's order on April 11, 2025, stating that discovery is open in this proceeding. As it did

¹ Unless otherwise defined, the acronyms and defined terms used herein are the same as those used in CSX Transportation, Inc.'s First Motion to Compel Production of Documents by NS and Norfolk & Portsmouth Belt Line Railroad Company, filed on April 9, 2025.

in response to CSXT's First Set of Requests, NS has objected wholesale and in its entirety to the production of documents in response to CSXT's Second Set of Requests, served on NS on March 26, 2025. NS is refusing to produce a single document relating to its unlawful manipulation of NPBL, to the control authority it seeks from the Board, to the impact of its requested control authority on shippers and public facilities in Virginia, and to the factual assertions it has already made in submissions in this proceeding. NS's apparent strategy is to make CSXT fight for every scrap of information relevant to the unlawful monopoly NS has created through unauthorized control of NPBL in the hope that it will hide from Board scrutiny the harmful effects of its historical conduct.

NS's obstructionist conduct is an irresponsible violation of the norms of STB practice and is wholly unacceptable. Discovery is a routine component of a control proceeding. Having initiated the control proceeding with the Board, NS knows it now must engage in the discovery process. NS's deliberate obstruction of the normal progression of this proceeding is indefensible and must be addressed immediately. The Board should promptly compel NS to produce the documents sought in CSXT's First and Second Sets of Requests and further admonish NS to discontinue its improper and dilatory litigation conduct.

1. Background

For purposes of this Motion, CSXT assumes that the Board is familiar with the facts of this proceeding. (*See* CSXT First Motion to Compel 4-7, Apr. 9, 2025).

1.1 CSXT's First Motion to Compel

On March 19, 2025, CSXT served on NS its First Set of Requests, asking for production of all discovery from the District Court Proceeding or, in the alternative, asking for consent to access the responsive material, which is maintained by CSXT's counsel in the district court litigation, immediately and without further assistance from NS or NPBL.² On April 3, 2025, NS objected on the grounds of untimeliness, overbreadth, and undue burden.³ On April 4, 2025, CSXT and NS conferred regarding the objections, and NS stood on its objections, declining to produce any material from the district court record on the basis that such information is untimely, irrelevant, and subject to a Protective Order in the District Court Proceeding. (*See* CSXT First Motion to Compel 2, Apr. 9, 2025). On April 9, 2025, CSXT filed a motion to compel that requested the Board direct NS and NPBL to consent to the use of the district court discovery material in this proceeding or to reproduce all documents responsive to CSXT's discovery requests. (*See* CSXT First Motion to Compel 20, Apr. 9, 2025). The First Motion to Compel is pending with the Board.

1.2 Board Makes Clear that Discovery Can Proceed

On April 11, 2025, the Board issued a Notice of Proposed Procedural Schedule and Request for Comments, which explicitly stated that discovery in this

² CSXT's First Set of Requests for Production of Documents is attached to CSXT's First Motion to Compel, filed April 9, 2025, as Exhibit 3.

³ NS's Response and Objections to CSXT's First Set of Requests for Production of Documents is attached to CSXT's First Motion to Compel, filed April 9, 2025, as Exhibit 5.

proceeding is open, rendering NS's timeliness objections moot. *Decision No. 3*, FD 36836, slip op. at 2 n.2, 3.

1.3 CSXT's Second Set of Requests

CSXT's Second Set of Requests seek information that expands upon CSXT's requests to NS in the District Court Proceeding. The Second Set of Requests extends the relevant period to include later years because NS has continued to unlawfully control NPBL since the District Court Proceeding began more than six years ago. The requests also seek responsive information about traffic data, rates, and competition, all of which are directly relevant to NS's unlawful control of NPBL.

CSXT's Second Set of Requests to NS were served on March 26, 2025. Ex. 1, CSXT's Second Set of Requests for Production to NS. On April 10, 2025, NS served its Response and Objections. Ex. 2, NS Response and Objections to CSXT's Second Set of Requests for Production. On April 11, 2025, CSXT's counsel emailed NS's counsel to schedule a meet and confer regarding NS's objections to the Second Set of Requests. *See* Ex. 3, Email Exchange Between CSXT Counsel and NS Counsel. On April 14, 2025, NS declined to meet and confer, stating: "NS stands by its objections as outlined in both of its responses to the first and second discovery requests." *Id.* NS has placed CSXT in the position where it now must move to compel production of the requested documents from its Second Set of Requests.

2. Argument

2.1 Discovery is Timely.

NS continues to stand on its timeliness objection, despite the Board's April 11 decision explicitly stating that discovery is open. *Decision No. 3*, FD 36836, slip op. at 2 n.2, 3. It appears that NS's tactic is to obstruct CSXT's right to receive responsive material in this proceeding, which has a statutorily imposed timeline. Such behavior should not be tolerated by the Board.

2.2 The Requested Documents are Relevant to the Control Proceeding.

CSXT's Second Set of Requests seeks information that is relevant to NS's unlawful control of NPBL. The Board allows parties to obtain discovery "regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding." 49 C.F.R. § 1114.21(a)(1). Information is relevant when it could impact the outcome of a proceeding. *See Application of the Nat'l R.R. Passenger Corp. Under 49 U.S.C. § 24308(a)—Canadian Nat'l Ry.*, FD 35743, slip op. at 8 (STB served Sept. 23, 2014).

CSXT's Second Set of Requests asks for documents relevant to the control proceeding. The Board will not approve a control application if the "anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs." 49 U.S.C. § 11324(d)(2). The Board has stated that, in assessing transactions subject to 49 U.S.C. § 11324(d), "*the Board's primary focus is on the anticipated competitive effects*. The Board must approve an application unless there would be adverse competitive impacts that are both 'likely' and 'substantial.'"

Soo Line Corp.—Control—Cent. Maine & Quebec Ry. US Inc., FD 36368, slip op. at 4 (STB served May 4, 2020) (emphasis added).

Thus, in this control proceeding, the Board must consider the anticompetitive effects of NS's control over the NPBL. CSXT's Second Set of Requests directly asks for documents that go to the possible anticompetitive effects of NS's control over the NPBL, including, but not limited to, documentation of any conduct that may limit others' control over or use of the NPBL, the determination of switch rates, pricing strategies, and CSXT's access to NPBL and related tracks. As noted above, the Second Set of Requests also accounts for the more than six years that have lapsed between the initiation of the District Court Proceeding and this control proceeding. Given that NS has continued its unlawful control of NPBL throughout that period, the requested material is relevant to CSXT's claims. Moreover, NS agrees that the District Court record is relevant. (NS Reply 35, Mar. 7, 2025 (stating that the District Court Proceeding is "known by all and ready for presentation and argument" to the Board); *see also* NS Reply 17 (offering to the Board that facts "examined in the federal courts" are "available to the parties and the Board")). Likewise, updating the District Court productions to the expanded time period is relevant to this dispute.

2.3 NS's Boilerplate Objections are Insufficient.

Finally, NS resorts to obstructionist boilerplate objections of ambiguity, overbreadth, relevance, and undue burden. In proceedings before the Board, "boilerplate, generalized responses are not sufficient to satisfy a party's discovery

obligations.” *Trailer Bridge, Inc. v. Sea Star Lines, LLC*, STB Docket No. WCC-104, 2000 WL 1616612, at *6 (STB served Oct. 27, 2000). The Board has further held that objections to discovery that are merely “conclusory” are “unpersuasive.” *Arizona Elec. Power Coop., Inc. v. The Burlington N. & Santa Fe Ry. Co. and Union Pac. R.R. Co.*, STB Docket No. 42058, 2002 WL 31025860, at *2 (STB served Sept. 11, 2002). Instead, the Board has emphasized the need for specific demonstration that the requested materials fit within the objections. *See Rail General Exemption Authority—Miscellaneous Agriculture Commodities—Petition of G. & T. Terminal Packaging Co., Inc., et al. to Revoke Conrail Exemption*, Ex Parte No. 346 (Sub—No. 14A), 1989 WL 238737, at *4 (I.C.C. June 6, 1989) (“Because Conrail has failed specifically to demonstrate that the sought materials fall within these categories, . . . it must provide petitioners with the sought information.”); *see also Minnesota Power, Inc. v. Duluth, Missabe and Iron Range Ry. Co.*, 4 S.T.B. 64, 65 n.3, 74 (STB served May 11, 1999) (rejecting boilerplate objections outright).

The Board’s discovery rules “follow generally those in the Federal Rules of Civil Procedure.” *Potomac Elec. Power Co. v. CSX Trans., Inc.*, 2 S.T.B. 290, 291 n.5 (STB served May 27, 1997). While not binding on the Board, the Federal Rules of Civil Procedure (“FRCP”) provide persuasive guidance on the permissibility of boilerplate objections. Boilerplate objections lack specific detail and tend to obstruct, rather than facilitate, the discovery process. As a result of this, FRCP Rule 34 requires that objections to Requests for Production state with specificity the

grounds for objection and whether responsive materials will be withheld because of that objection. Fed. R. Civ. P. 34(b)(2)(B), (C). With its jurisprudence, the Board has created similar specificity requirements for discovery responses and objections in its proceedings. In this case, NS fails to comply with these specificity requirements because NS does not explain why the Requests are not reasonably calculated to elicit relevant information related to the anticompetitive effects of its control over the NPBL or otherwise justify any of its boilerplate objections. Thus, the Board should reject these unspecific boilerplate objections and compel NS to produce the requested documents.

3. Expedited Resolution of Discovery Dispute

In order to comply with the strict statutory timeline for this proceeding, CSXT requests expedited resolution of this motion. CSXT requests that NS be directed to respond to this motion within five days⁴ and the matter be resolved promptly thereafter, requiring NS to produce the responsive documents no later than 30 days after the Board's order granting this Motion.

4. Conclusion

For the foregoing reasons, CSXT requests that the Board grant this Motion to Compel and direct NS to produce all documents responsive to CSXT Second Set of Requests within 30 days of the Board's order granting this Motion.

⁴ Five days is a reasonable time period for NS to respond to this motion. NS has been aware of each issue raised in this motion since March 26, 2025. CSXT filed this Motion promptly after NS confirmed that it would stand on its objections.

Dated: April 18, 2025

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton

Anthony J. LaRocca

Molly Bruder Fox

Sally Mordi

Lauren Goldschmidt

Laura Niday

Steptoe LLP

1330 Connecticut Ave., NW

Washington, DC 20036

(202) 429-3000

Counsel for CSX Transportation, Inc

Exhibit 1

CSXT's Second Set of Requests for Production to NS

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36836

NORFOLK SOUTHERN CORPORATION &
NORFOLK SOUTHERN RAILWAY COMPANY
—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

**CSXT's Second Set of Requests for Production of Documents
to Norfolk Southern Corporation & Norfolk Southern Railway Company**

Pursuant to 49 C.F.R. § 1114.30, CSX Transportation, Inc. ("CSXT") hereby requests Norfolk Southern Corporation and Norfolk Southern Railway Company (together, "NS") produce all documents responsive to the requests below (the "CSXT's Second Set of Requests," and each a "Request") to the offices of Steptoe LLP, 1330 Connecticut Avenue NW, Washington, DC 20036, or via electronic delivery means, in accordance with the Definitions and Instructions below and within 15 days or such other time as may be agreed upon by the parties or ordered by the Surface Transportation Board (the "Board" or "STB").

DEFINITIONS

The following Definitions apply to each Request contained herein and are deemed incorporated in each Request.

1. "Action" shall mean Norfolk Southern Corporation & Norfolk Southern Railway Company – Acquisition of Control – Norfolk & Portsmouth Beltline Railroad Company, FD 36836, filed before the Surface Transportation Board.
2. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Request all responses that might otherwise be construed to be outside of its scope.
3. "Any" shall be construed as "all" and vice versa, as necessary to bring within the scope of the Request all information that might otherwise be construed to be outside of its scope.
4. "Communication" shall mean every manner or means of disclosure, transfer, or exchange of information (in the form of facts, ideas, inquiries, or otherwise) whether oral, written, visual, or electronically stored, including, letters,

memoranda, electronic mail, metadata, invoices, interviews, discussions, text messages, messages sent via Internet-connected applications, telephone conversations, face-to-face meetings, and other similar forms of communication or correspondence.

5. “CSXT’s First Requests to NS” shall mean CXT’s First Set of Requests for Production of Documents to Norfolk Southern Corporation & Norfolk Southern Railway Corporation served on March 19, 2025 in this Action.

6. “CSX Transportation, Inc.” or “CSXT” shall mean CSX Transportation, Inc., and its predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

7. “CWRY” shall mean the Commonwealth Railway, Inc. and its predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on its behalf.

8. “Diamond” shall mean the track between NS Juncture and Carolina Juncture, operations over which were discontinued in 2008. *See Norfolk Southern Railway Company Discontinuance of Service Exemption—in Chesapeake, VA*, Docket No. AB-290 (Sub-No. 299X), filed April 25, 2008; *Norfolk and Portsmouth Belt Line Railroad Company—Discontinuance of Trackage Rights Exemption—in Chesapeake, VA*, AB 1024X, filed April 25, 2008.

9. “District Court Proceeding” shall mean *CSX Transportation, Inc. v. Norfolk Southern Railway Company*, No. 2:18-cv-00530 (E.D. Va. Oct. 4, 2018).

10. “Document” or “Documents” is used in the broadest possible sense permissible and includes, without limitation, all originals, copies (if the originals are not available), non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise) and drafts, whether printed or recorded (through a sound, video, or other electronic, magnetic, or digital recording system) or reproduced by hand, of the following: letters, correspondence, telegrams, telexes, memoranda, records, text messages, communications via Internet-connected application, summaries of personal conversations or interviews, minutes or records or notes of meetings or conferences, note pads, notebooks, postcards, “Post-It” or similar notes, stenographic notes, notes, notebooks, opinions or reports of financial advisors or consultants, opinions or reports of experts, projections, financial or statistical statements or compilations,

contracts, agreements, appraisals, analyses, purchase orders, confirmations, publications, articles, books, pamphlets, circulars, microfilm, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, photostats, speeches, data sheets, pictures, photographs, illustrations, blueprints, films, drawings, plans, tape recordings, videotapes, disks, diskettes, data tapes or readable computer-produced interpretations or transcriptions thereof, electronic messages, voice mail messages, interoffice communications, advertising, packaging and promotional materials, material of any sort and in any format maintained or available at any time on the World Wide Web (whether formerly, currently, or both), and any other writings, papers and tangible things of whatever description whatsoever, including any information contained in any computer, even if not yet printed out.

11. “East Coast Ports” shall mean all ocean ports and marine terminals on the Atlantic and Gulf coasts in the United States located east of the Mississippi River that handle intermodal containers, including terminals located in the Port of New Orleans, Port of New York/New Jersey, Port of Baltimore, Port of Charleston, Port of Savannah, Port of Mobile, Port of Wilmington, Port of Jacksonville, Port of Virginia (VIG and NIT).

12. “Including” shall mean “including, without limitation” and “including but not limited to.”

13. “International Intermodal freight” shall mean freight that is transported via ocean vessel and rail or truck in standardized 20-foot or 40-foot containers.

14. “NIT” shall mean Norfolk International Terminals, located in Norfolk, Virginia, and all persons acting on its behalf at any point in time, including current or former officers, management, directors, employees, agents, attorneys, and representatives.

15. “Norfolk Southern” or “NS” shall mean Norfolk Southern Corporation, Norfolk Southern Railway Company and their predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

16. “NPBL” shall mean Norfolk & Portsmouth Belt Line Railroad Company and its predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

17. “NPBL System” shall mean all rail lines and facilities owned or operated by NPBL, including rail lines and facilities that NPBL utilizes via trackage rights or other joint facility or joint use agreements on another railroad.

18. “NS System” shall mean all rail lines and facilities owned or operated by NS, including rail lines and facilities that NS utilizes via trackage rights or other joint facility or joint use agreements on another railroad.

19. “PMT” shall mean Portsmouth Marine Terminal, located in Portsmouth, Virginia, and all persons acting on its behalf at any point in time, including current or former officers, management, directors, employees, agents, attorneys, and representatives.

20. “Person” or “Persons” shall mean any natural person, firm, association, partnership, joint venture, corporation, estate, trust, receiver, syndicate, municipal corporation, government department or agency, and any form of legal entity and any other group in combination acting as a unit.

21. “Present” shall mean the date You serve Your Responses to CSXT’s Second Set of Requests.

22. “Relating to” as used herein with reference to a subject shall mean both of the following:

- a. Containing, compromising, constituting, stating, setting forth, recording, contradicting, referring to, evidencing or in any way pertaining to, in whole or in part, that subject; and
- b. Describing, discussing, reflecting, interpreting, identifying, concerning, in any way pertaining to, in whole or in part, that subject, or to be in any way logically or factually connected with the matter discussed.

23. “Relevant Period” shall mean January 1, 2007 – Present, unless otherwise specified. If a Request does not specify a date range, the Relevant Period applies.

24. “VIG” shall mean Virginia International Gateway, located in Portsmouth, Virginia, formerly known as APM Terminals Virginia, and all persons acting on its behalf at any point in time, including current or former officers, management, directors, employees, agents, attorneys, and representatives.

25. “VIT” shall mean Virginia International Terminals, LLC, a Virginia limited liability company wholly owned by the Virginia Port Authority, which operates a group of marine terminal facilities referred to as the “Port of Virginia,” and all persons acting on its behalf at any point in time, including current or former officers, management, directors, employees, agents, attorneys, and representatives.

26. “VPA” shall mean Virginia Port Authority, a political subdivision of the Commonwealth of Virginia that owns the Port of Virginia, and all persons acting on its behalf at any point in time, including current or former officers, management, directors, employees, agents, attorneys, and representatives.

27. “You” and “Your” shall refer to NS as defined above.

28. The use of the singular shall be deemed to include the plural, as appropriate in context.

INSTRUCTIONS

The following Instructions apply to each Request set forth herein and are deemed incorporated in each Request:

1. In responding to these Requests, produce all Documents within the possession, custody, or control of NS, which includes in NS’s actual or constructive possession or control, including Documents, tangible things, and electronically stored information located in personal files, hard copy files, computer systems, smartphones, Internet-enabled messaging applications, networks, servers, CDs, DVDs, memory sticks, zip drives, hard drives, floppy disks, magnetic tapes, and other electronic media.

2. If there is no Document responsive to a particular Request, NS shall so state in writing.

3. If any Document or Communication called for by any Request is withheld because NS claims that it is privileged or otherwise protected from disclosure, NS must identify the Document or Communication so withheld and the privilege or doctrine NS claims. In the case of Documents of Communications that NS claims are privileged that relate to meetings or to other conversations, all participants in the meeting or conversation shall be identified.

4. Each Document requested herein must be produced in its entirety and without deletion, abbreviation, redaction (except for information that is both non-responsive and commercially sensitive), expurgation, or excisions, regardless of whether NS considers the entire Document to be relevant or responsive to these Requests. If NS has redacted any portion of a Document for privilege, stamp the word “redacted” on each page of the Document which NS has redacted, identifying the basis for such redaction.

5. NS must produce entire Documents including all attachments, cover letters, memoranda, and appendices, as well as the file, folder tabs, and labels appended to or containing any produced Documents. Copies that differ in any respect from an original shall be produced separately.

6. If NS objects to any Request or part of a Request, set forth the basis for NS's objection with particularity and respond to all parts of the Request to which NS does not object.

7. All responsive Documents in existence as of the date of production are to be produced. These Requests are continuing in nature, up to and during the course of any hearing. Any Documents created or obtained after the date of production are to be produced under NS's obligation to supplement NS's production immediately upon the creation or identification of additional responsive Documents.

8. For any responsive Documents that are no longer in existence, indicate the nature of the Document, its approximate date of creation, its author(s), and recipient(s), its approximate date of destruction or disposal, and the reason for and method by which its destruction or disposal took place.

9. All Documents responsive to these Requests shall be produced in accordance with any applicable rules and orders of the Surface Transportation Board, and subject to any agreement negotiated by and between the parties regarding the production of electronically stored information ("ESI").

10. ESI should be produced in accordance with the following specifications:

- a. Form of Production. Produce electronically stored information in single-page TIFF format (Group IV TIFF at 300 dpi) with standard Concordance formatted load file (.dat), including all metadata. Name each TIFF file with a unique name matching the Bates number (or similar identifying mark) labeled on the corresponding page. Group every 1000 TIFFs into a new folder; do not create a separate folder for each document.
- b. Image Load File. Provide an image load file (Opticon file) that contains document boundaries and page counts.
- c. Document Text. For documents that were originally stored as native electronic files and which do not have redactions, produce the extracted full text (not OCR) from the body of each document in separate document-level *.txt files named for the beginning Bates number of the associated document. Provide OCR text for documents without extracted text available (non-searchable PDFs, etc.). Group 1000 document text files per incrementally named "TEXT" directories, separate from image directories. For documents that were originally stored as native electronic files and which have redactions, produce the OCR text from the redacted image(s) associated with each document, in separate document-level *.txt files named for the beginning Bates

number of the associated document. Clearly label any redacted material to show the redactions on the TIFF image.

- d. Native Production For Certain File Types. For files that reasonably require viewing in their native format for a full understanding of their content and meaning (including certain PowerPoint or other special presentation programs or database files), produce the files in native and TIFF formats to the extent it is reasonably possible to do so. Name the produced native file with the Bates number on the first page of the corresponding TIFF production of the file / document or on the TIFF placeholder document (i.e. "slipsheet"). For Excel files, produce in native format with a slip sheet that includes a Bates number and text indicating "This document was produced in Native format." Group native files within incrementally named "NATIVE" directories; separate from images directories.
- e. Metadata. Produce extracted metadata for each document in the form of a Concordance load file (.dat), including the following fields (where applicable): Bates range begin, Bates range end, Bates family range begin, Bates family range end, email subject line, document subject, file name, email sent date, email sent time, created date, created time, last modified date, last modified time, family date, family time, author, from, to, CC, BCC, custodian, source and/or source folder, file extension, file type, page count, MD5 hash value, and native file path location. Documents should be produced in such fashion as to identify the location of the document and, where applicable, the natural Person in whose possession it was found.

11. Each Request shall be construed according to its own terms, subject to these Definitions and Instructions, unless otherwise specified. Although some of the Requests may overlap with others, no Request should be read as limiting any other.

12. If, in responding to these Requests, You claim any ambiguity in a Request, or in a Definition or Instruction applicable to a Request, such claim shall not be utilized as a basis for refusing to respond, but You shall set forth as part of Your response the language deemed to be ambiguous and the interpretation used in responding to the Request. Each Request is continuing in nature. If, after responding, You obtain or become aware of any additional Documents responsive to these Requests, You shall produce such additional Documents forthwith.

13. The subheadings listed in these Requests are provided solely to organize the Requests for ease of review. The subheadings shall not be interpreted to limit the scope of the Requests in any way.

REQUESTS

Extension of Select Requests from District Court Proceeding to Cover Subsequent Period

1. All Documents and Communications between NS and employees of NPBL relating to the Diamond from January 1, 2018-present.
2. All Documents and Communications between and among NS relating to the Diamond from January 1, 2018-present.
3. All Documents and Communications between NS and employees of NPBL relating to the use of NPBL by any entity other than NS from January 1, 2018-present.
4. All Documents and Communications between and among NS relating to the use of NPBL by any entity other than NS from January 1, 2018-present.
5. All Documents pertaining to setting NPBL's rates, including rates to be charged for switch services from January 1, 2018-present.
6. All minutes, agendas, presentations, or other Documents relating to meetings of the NPBL Board of Directors, NPBL Rate Committee, and NPBL Annual Shareholders' meetings from January 1, 2018-present, including drafts.
7. All audits conducted of NS from January 1, 2018-present.
8. All audits conducted of NPBL from January 1, 2018-present.
9. NPBL's annual financial statements from January 1, 2018-present.
10. All Documents that NS has received relating to Communications between NPBL and the VPA, VIT, NIT, PMT, and VIG from January 1, 2018-present.

11. All Communications between NS and the CWRV relating to the CWRV's switch rate formula, including any switch rate formula in effect and any proposed or considered switch rate formula that did not take effect from January 1, 2018-present.

12. All Documents relating to CSXT's use of tracks that access NIT, PMT, and VIG from January 1, 2018-present.

13. All Documents between NS and VPA or VIT relating to CSXT's access to NIT, PMT, and VIG from January 1, 2018-present.

14. All Documents between NS and VPA, or VIT relating to the switch rates, including NPBL and intraplant switch rates to be charged to NS at NIT, PMT, and VIG from January 1, 2018-present.

15. Documents sufficient to show switch rates at all East Coast Ports served by NS from January 1, 2018-present.

16. All Documents relating to the removal of track at the Diamond, including any Documents referencing the consequences of removing the track to CSXT or other rail companies from January 1, 2018-present.

17. All Documents relating to the use of CSXT locomotives by NPBL or on NPBL track from January 1, 2018-present.

18. All Documents relating to the use of NS locomotives by NPBL or on NPBL track from January 1, 2018-present.

19. All Documents relating to CSXT's proposals for revised rates, and any analysis or assessment performed regarding such proposals, including with respect to NPBL, NS, and/or port operations from January 1, 2018-present.

20. All Documents and Communications between NS and any actual or potential customer for whom NS or CSXT moves freight through any East Coast Port, including any requests for proposals, responses to requests for proposals, term sheets, draft or final contracts or agreements, and any related communications from January 1, 2018-present.

21. All Documents in which NS references CSXT's lack of access or means to restrict access to NIT, PMT (including Pinner's Point), or VIG and NPBL from January 1, 2018-present.

22. All Documents relating to NS's pricing strategies for any freight transportation by rail moving in or out of any East Coast Port from January 1, 2018-present.

23. All Documents relating to NS's business performance at NIT, VIG, and PMT, including Documents reflecting sales growth or declines, increases or decreases in the number of customers serviced by NS, and increases or decreases in NS's market share for freight transportation by rail in or out of NIT, VIG, and PMT from January 1, 2018-present.

24. All market studies, competitive analyses, market share calculations, market intelligence, and revenue/profit forecasts for the Hampton Roads area, or any other East Coast Port that also refer to NIT, PMT, or VIG, including any

Documents identifying, comparing, or analyzing the cost of serving NIT, PMT, or VIG by rail versus by truck from January 1, 2018-present.

25. All Documents relating to any investigations by the U.S. Department of Justice, Federal Trade Commission, or any other administrative agency concerning any allegations of anticompetitive conduct by NS from January 1, 2018-present.

26. All Documents relating to competitive alternatives for customers shipping cargo through NIT, VIG, and PMT from January 1, 2018-present.

27. Documents sufficient to show capacity and freight volumes shipped by NS through NIT, VIG, and PMT from January 1, 2018-present.

28. Documents sufficient to show NS's gross margins for NS's services to and from NIT, VIG, and PMT from January 1, 2018-present.

29. All Documents relating to historical or current data and information relating to capacity, freight volumes, ports of origin, destinations, and rates for NS and its competitors at NIT, PMT, VIG, and other East Coast Ports from January 1, 2018-present.

30. All Documents relating to infrastructure for access via rail or truck at NIT, PMT (including Pinner's Point), and VIG, including Documents relating to double-stacking, lease of storage tracks, or other limitations on capacity, efficiency, or type of service from January 1, 2018-present.

31. All Documents and Communications relating to any contract or agreement effective at any time between You and NPBL, including all documents

that constitute, memorialize, evidence, describe, or are part of or incorporated into such contract or agreement from January 1, 2018-present.

32. All Documents and Communications between or among any or all of You, NPBL, or CSXT relating to access to NIT, including without limitation all Documents and Communications concerning CSXT's access to NIT via drayage and via rail, from January 1, 2018-present.

33. All Documents relating to communications between You and any person other than NPBL or CSXT relating to the ownership, shareholder structure, or corporate governance of NPBL from January 1, 2018-present.

34. All Documents containing internal NS Communications relating to the ownership, shareholder structure, or corporate governance of NPBL from January 1, 2018 to present.

35. All Documents relating to Communications between You and the Commonwealth of Virginia relating to intermodal freight operations at a Port of Virginia Terminal, including NIT, VIG, and PMT, from January 1, 2018-present.

36. All Documents relating to the analysis of the economic effects of the merger of Southern Railway Company with Norfolk & Western Railway Company on NPBL or the intermodal freight business from January 1, 2018-present.

37. All Documents and Communications between You and NPBL relating to any rate or service proposal made to NPBL by CSXT from January 1, 2018-present.

38. All Documents relating to the analysis of NS's capacity to meet future demand for rail service to intermodal shippers moving in or out of any East Coast Port from January 1, 2018-present.

39. All Documents relating to the analysis of competition among various modes of inland transportation, including rail, truck, or barge operations, to serve shippers of intermodal freight moving in or out of any East Coast Port from January 1, 2018-present.

40. All Documents relating to the comparative advantages that NS or NPBL may possess at any East Coast Port from January 1, 2018-present.

41. All Documents and Communications relating to the quality of NS's performance pursuant to any contract whose subject matter involves or relates to the movement of intermodal traffic in or out of any East Coast Port from January 1, 2018-present.

42. All Documents and Communications relating to the quality or price of CSXT's services in the movement of intermodal freight in or out of any East Coast Port from January 1, 2018-present.

43. All Documents relating to business relationships concerning intermodal transportation services that were acquired by You after being held by CSXT, including all analyses of the reasons why You were able to acquire the business, from January 1, 2018-present.

44. All Documents and Communications relating to any proposed or contemplated expansion of terminal capacity, or intermodal freight-handling capacity, at NIT, VIG, or PMT from January 1, 2018-present.

45. All Documents relating to contracts between You and CWRY from January 1, 2018-present.

46. All Documents and Communications concerning NS's use of drayage or trucking services at any East Coast Port, including without limitation any Documents or Communications pertaining to the comparative advantages or disadvantages of drayage or trucking services versus on-dock rail services from January 1, 2018-present.

47. All Documents relating to Your analysis of opportunities to compete with CSXT for the business of ocean shippers seeking rail transportation of intermodal containers, including your assessment of any wins or losses of business for which you competed against CSXT, involving any East Coast Port, from January 1, 2018-present.

48. All Documents relating to Your analysis of opportunities to compete with transportation providers other than CSXT, including railroad companies, trucking companies, barge companies, and other providers, for the business of ocean shippers seeking rail transportation of intermodal containers in or out of any East Coast Port, including your assessment of any wins or losses of business for which you competed against such providers, from January 1, 2018-present.

49. All Documents and Communications between You and NPBL relating to any evaluation or analysis of the capacity of the railroad infrastructure located within the Cities of Norfolk, Portsmouth, or Chesapeake, regardless of its ownership, to carry current or projected volumes of intermodal freight traffic passing through NIT, VIG, or PMT, from January 1, 2018-present.

50. All route maps for NS intermodal container transport, including inland ports operated by NS from January 1, 2018-present.

51. All Documents relating to actual or contemplated additions to or reductions from available NS intermodal or container transportation routes from January 1, 2018-present.

52. All Documents and Communications between or among any or all of You, NPBL, and the Commonwealth of Virginia concerning planned or potential intermodal freight operations by NS or CSXT through NIT, VIG, or PMT from January 1, 2018-present.

53. All Documents and Communications between You and the Commonwealth of Virginia concerning planned or potential future expansion of rail infrastructure, including the projected cost of such expansion, at the Port of Hampton Roads from January 1, 2018-present.

Traffic Requests

54. Produce all Documents, including databases, data warehouses, and computer programs (with all documentation related to these databases and computer programs), in a computer-readable format, that include the information

listed below for each movement handled by NS for any portion of the through movement, loaded or empty, that moved in or out of any East Coast Port by any means of transportation (including by drayage or other railroad) for each year or partial year during the Relevant Period.

- a. Name of the consignee, shipper, payee, and customer for each shipment record;
- b. Commodity Code (seven-digit Standard Transportation Commodity Code “STCC”);
- c. Toxic Inhalation Hazard/Poisonous Inhalation Hazard (“TIH/PIH”) Commodity Identifier;
- d. Origin station, State or Province, Standard Point Location Code (“SPLC”), and Freight Station Accounting Code (“FSAC”);
- e. Origin date and time;
- f. Destination station, State or Province, SPLC, and FSAC;
- g. Destination date and time;
- h. For shipments NS received in interchange, including in an origin switch, the on-junction location station, State or Province, SPLC, FSAC, and the railroad received from;
- i. For shipments given in interchange, including in a terminal switch, off-junction location station, State or Province, SPLC, FSAC, and the railroad given to;
- j. Full route interchange and carriers;
- k. Number of rail cars;
- l. Number of intermodal containers or trailers;
- m. Tons (Net);
- n. Rail car tare weight;
- o. Intermodal container or trailer tare weight;

- p. Total freight revenues from origin to destination, each railroad's share of the total freight revenues in the event that railroad was not the sole carrier for a particular movement, including any adjustments thereto, along with a description of the adjustment (i.e., add to or subtract from gross revenue);
- q. Fuel surcharge;
- r. Haulage fees;
- s. Total freight cost;
- t. The contract, agreement, tariff, or other pricing authority that the shipment is billed under including the amendment and item numbers;
- u. Unique Waybill number and Waybill date;
- v. Car/trailer/container initial and number for each car/trailer/container used to move the shipment;
- w. The unique train identification initial and number of all trains used to move the shipment;
- x. Total loaded movement miles;
- y. Total loaded miles on NS's System;
- z. AAR car-type code;
- aa. Provider of car and container/trailer (railroad-owned, railroad-leased, shipper or foreign road);
- bb. Total empty movement miles;
- cc. Total empty miles on NS's System; and
- dd. Intermodal service plan code and the intermodal line of business code for each intermodal shipment.

55. All Documents relating to studies or analyses of transit and/or cycle times for any intermodal railroad train movements in or out of any East Coast Port for each year or partial year during the Relevant Period. For each study or analysis,

responsive information includes, but is not limited to, the following categories:
commodity classification, geographic regions, and line segment.

56. All Documents relating to the projected and actual transit and/or cycle times, and the standard or expected or contractual transit and/or cycle time for each intermodal movement in or out of any East Coast Port during the Relevant Period. Produce documents, to the extent available, in a computer readable format.

57. All operating timetables, station lists, station books, track charts, and condensed profiles for the NS System for any subdivision that includes Norfolk, VA that were prepared, considered, or in effect during the Relevant Period. If current versions of any of the requested documents are not available, produce the most recent versions that are available.

58. All Documents relating to forecasts or projections prepared by NS or for NS, relating to future traffic volumes and/or revenues for International Intermodal freight traffic in or out of any East Coast Port.

59. All workpapers and filings relating to this Action that NS submitted to the Board.

60. All Documents concerning NS's projected growth and investment needs in Virginia.

61. All Documents concerning NPBL's projected growth and investment needs in Virginia.

Rates, Costs & Competition Requests

62. Communications relating to railroad rates for International Intermodal freight traffic moving to or from all East Coast Ports. You may exclude documents of a routine transactional nature (e.g., waybills), provided that You identify the categories of documents so excluded.

63. All Documents relating to studies or analyses of traffic volumes, railroad rates, or railroad costs for any intermodal railroad train movements in or out of any East Coast Port.

64. All Documents relating to studies or analysis of railroad rates for International Intermodal freight traffic moving to or from all East Coast Ports.

65. All Documents relating to traffic that could be moved by CSXT on NPBL.

66. All Documents relating to studies, analyses, and reports relating to rates that CSXT has charged or could charge for traffic moving on NPBL.

67. All Documents relating to the actual, estimated, hypothetical or proposed railroad rates for traffic moving via the NPBL System.

68. All Documents relating to the actual, estimated, hypothetical or proposed railroad costs for traffic moving via the NPBL System.

69. All Documents relating to studies, analyses, and reports relating to railroad traffic moving to or from all East Coast Ports that could be originated or terminated by either NS or CSXT.

70. All Documents relating to the use of truck transportation for freight traffic moving in or out of any East Coast Ports.

71. All Documents, including studies, analyses, and reports, relating to the market for waterborne container ship transportation, including rates and fees, distance, and transit times, for freight traffic moving in or out of any East Coast Ports.

72. All Documents relating to competition for intermodal traffic to or from all East Coast Ports, including competition between CSXT and NS and competition between freight rail transportation, truck transportation, and alternative ports.

73. All written railroad policies, protocols, instructions, and other documents relating to the terms and rates of NS intermodal service, including Documents relating to how such rates should be determined.

74. All Documents that show, reflect, or discuss NPBL's costs, including the following:

- a. Switching Crew;
- b. Yard Staff;
- c. Fuel;
- d. Locomotive Maintenance;
- e. Track Maintenance;
- f. Locomotive Depreciation; and
- g. Track Infrastructure.

75. All Documents relating to electronic workpapers and underlying data used to calculate the "Railway operating expenses" provided in the "Norfolk and

Portsmouth Belt Line Railroad Co. Statement of Income” as reported in the NPBL Annual Report between 2011-2024.

- a. All Documents relating to the categories of expenses included in the field “compensation and benefits,” including documents sufficient to show what is included in this field;
- b. All Documents relating to the categories of the expenses included in the field “Purchased services and rents,” including documents sufficient to show what is included in this field; and
- c. All Documents relating to the categories of the expenses included in the field “materials and other,” including documents sufficient to show what is included in this field.

76. All Documents relating to the costs of an intermodal switch between NPBL and CSXT to NIT during the Relevant Period, including any cost associated with use of NS’s Portlock Yard.

77. All Documents relating to the calculation of costs NPBL would incur to provide switching for CSXT intermodal containers.

78. All Communications between NPBL and VPA or VIT relating to NPBL’s actual or projected operating costs, including costs for switching traffic for other carriers.

79. All Documents relating to railroad costs for traffic moving to or from all East Coast Ports that could be originated or terminated on NS or CSXT railroads. You may exclude documents of a routine transactional nature (e.g., waybills), provided that You identify the categories of documents so excluded.

80. All Communications relating to NPBL's cost for traffic to be handled via the NPBL.

81. All Documents and Communications relating to NPBL's operations or service over NS's track for access to NIT.

82. All Documents and Communications relating to the impact of CSXT's use of NPBL to access NIT.

83. All Documents and Communications relating to the use of NS's Portlock Yard, including the ability to avoid use of Portlock Yard, in the movement of NPBL traffic.

84. All Documents relating to the trackage rights fee charged by NS to NPBL for the use of NS track, including any change in the level of the trackage rights fee.

85. All Documents relating to the use of the CWRV by NS or CSXT to move intermodal freight.

86. All Documents relating to the amounts paid by NS or CSXT to the CWRV for any services.

87. All Documents relating to the CWRV's commercial practices, prices and rates charged, and corporate organization.

88. All Documents relating to the costs of the CWRV for any service provided.

89. All Documents relating to the CWRV as a corporate entity.

Dated: March 26, 2025

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton

Anthony J. LaRocca

Molly Bruder Fox

Sally Mordi

Lauren Goldschmidt

Steptoe LLP

1330 Connecticut Ave., NW

Washington, DC 20036

(202) 429-3000

Counsel for CSX Transportation, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing *CSXT's Second Set of Requests for Production of Documents to Norfolk Southern Corporation & Norfolk Southern Railway Company* to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Sally Mordi

Sally Mordi
Counsel for CSX Transportation, Inc.

March 26, 2025

Exhibit 2

NS Response and Objections to CSXT's Second Set of Requests for Production

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36836

**NORFOLK SOUTHERN CORPORATION
NORFOLK SOUTHERN RAILWAY COMPANY
– ACQUISITION OF CONTROL –
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY**

**RESPONSE AND OBJECTION TO CSXT’S SECOND SET OF REQUEST
FOR PRODUCTION OF DOCUMENTS TO NORFOLK SOUTHERN CORPORATION &
NORFOLK SOUTHERN RAILWAY COMPANY**

**Joseph H. Carpenter
Thomas E. Zoeller
Hanna M. Chouest
NORFOLK SOUTHERN CORPORATION
650 W Peachtree St N.W.
Atlanta, GA 30308
Tel: (470) 571-5208**

**William A. Mullins
Rose-Michele Nardi
John V. Edwards
MULLINS LAW GROUP PLLC
2001 L St., N.W.
Suite 720
Washington, D.C. 20036
Tel.: (202) 663-7823**

April 10, 2025

**Attorneys for Norfolk Southern
Corporation and Norfolk Southern Railway
Company**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36836

**NORFOLK SOUTHERN CORPORATION
NORFOLK SOUTHERN RAILWAY COMPANY
– ACQUISITION OF CONTROL –
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY**

**RESPONSE AND OBJECTION TO CSXT’S SECOND SET OF REQUEST
FOR PRODUCTION OF DOCUMENTS TO
NORFOLK SOUTHERN CORPORATION &
NORFOLK SOUTHERN RAILWAY COMPANY**

Pursuant to 49 C.F.R. 1114.21, Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, “Norfolk Southern”) hereby provide Objections to CSXT’s Second Set of Requests for Production of Documents to Norfolk Southern Corporation & Norfolk Southern Railway Company (“Second Set of Requests”), which was served on March 26, 2025.

GENERAL OBJECTIONS

Norfolk Southern’s General Objections, set forth herein, apply to each one of CSXT’s Second Set of Requests. Norfolk Southern’s General Objections shall not waive, limit, or prejudice any objections it may later assert. Norfolk Southern’s failure to object to a specific Request on a particular ground shall not be construed as a waiver of its right to object in the future on any other ground.

1. Norfolk Southern objects to CSXT’s Second Set of Requests, including the Instructions and Definitions, to the extent they impose burdens, obligations, or

requirements that are greater than the requirements or permissible scope of discovery under 49 C.F.R. Part 1114, Subpart B, or under other Surface Transportation Board (“Board”) rules or precedents.

2. Norfolk Southern objects to the Requests to the extent they seek identification of “all” or “any” documents, data, or a category of information where the production of a subset of documents, data, or information would be sufficient to respond to the Request, on the basis that such Requests are unduly burdensome.
3. Norfolk Southern objects to the Requests to the extent that they seek information or documents that constitute or disclose confidential or proprietary information, including third-party proprietary information, or other sensitive, non-public information that was produced in other courts of jurisdictions or other legal proceeding and are under confidentiality orders of that court or other legal proceeding.
4. Norfolk Southern objects to the Requests to the extent they seek documents, data, or information in a form not maintained by Norfolk Southern in the regular course of business or not available in the form requested by CSXT, where such documents, data, or information could be developed, if at all, only through the preparation of compilations, documents, summaries, analyses, or other special studies of any sort not already in existence, and Norfolk Southern by its responses does not unless otherwise noted, undertake to prepare or produce any special studies. Any production by Norfolk Southern of information or documents in this category shall not be considered a waiver of this objection

5. Norfolk Southern objects to the Requests to the extent that they seek information protected from disclosure by the attorney-client privilege, attorney work product doctrine, any applicable common interest or joint defense privilege, or any other applicable privilege, doctrine, statute, regulation, agreement, or protective order. If any such privileged, protected, or exempt information is unintentionally produced or provided, Norfolk Southern reserves all rights under applicable law to demand and/or require the return of all copies thereof and non-use by Norfolk Southern or any other person or entity in this or any other proceeding.
6. Norfolk Southern objects to the Requests, including the Instructions and Definitions, to the extent a particular Request, Definition, or Instruction is vague or ambiguous.
7. Norfolk Southern reserves the right to challenge the competency, relevance, materiality, or admissibility of, or to object on any ground to, the use of information requested in the Requests. To the extent that Norfolk Southern produces responsive information or Documents, Norfolk Southern does not concede that such information is relevant, material, or admissible into evidence, and any such production is not intended to waive any of Norfolk Southern's objections to any of the Requests.
8. Norfolk Southern objects to the Requests to the extent that they seek information relating to documents prepared, generated, or received in anticipation of or after the commencement of litigation.
9. Norfolk Southern objects to the Requests, including the Instructions and Definitions, to the extent they seek information that is already in CSXT's possession, custody, or control, or that is obtainable from publicly available sources, or from another source

that is more convenient, less burdensome, or less expensive, including, without limitation, by other means of discovery.

10. Norfolk Southern objects to the Requests to the extent that they seek the production of documents prepared in connection with, or information relating to, possible settlement or mediation of this or any other proceeding.
11. Norfolk Southern's General Objections and responses are based upon information presently known to it. Norfolk Southern reserves the right to rely upon facts, Documents, or other evidence that it may develop or that may subsequently come to its attention; to assert additional objections and to supplement or amend these responses pursuant to 49 C.F.R. § 1114.29 at any time as this proceeding continues.
12. Norfolk Southern objects to the Requests to the extent they seek information protected from disclosure by confidentiality or nondisclosure agreements with third parties, as well as disclosure of non-public, financial, or otherwise confidential or commercially sensitive information.
13. Norfolk Southern objects to the Requests to the extent they seek information that Norfolk Southern is prohibited from disclosing under 49 U.S.C. § 11904.
14. By responding to the Requests, Norfolk Southern does not concede or adopt any misleading statement, misleading definition, inaccurate assumption, and/or mischaracterization of the facts or the position that Norfolk Southern has taken in this case contained in any Request.
15. Norfolk Southern objects to the Requests to the extent that they seek information or documents that are not in Norfolk Southern's possession, custody, or control, or otherwise kept by Norfolk Southern in the ordinary course of business.

16. Norfolk Southern objects to the Requests to the extent that the Requests are irrelevant, overly broad, unduly burdensome, untimely, and unlikely to lead to the discovery of admissible evidence beyond the scope of Norfolk Southern's Significant Application, if and when it is filed.

SPECIFIC OBJECTIONS

Norfolk Southern's Specific Objections, set forth herein, apply to each one of the CSXT's Requests and shall not waive, limit, or prejudice any objections it may later assert. Norfolk Southern's failure to object to a specific Request on a particular ground shall not be construed as a waiver of its right to object in the future on any other grounds.

1. Norfolk Southern objects to CSXT's definition of "Action" to the extent that it is overly broad, unduly burdensome, ambiguous, and to the extent that it refers to a proceeding that is not yet filed.
2. Norfolk Southern objects to CSXT's definition of "Communication" as overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence.
3. Norfolk Southern objects to CSXT's definition of "CSX Transportation, Inc." and "CSXT" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including predecessors and successors in interest, present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, areas offices, and

regional offices and all Persons acting or purporting to act on the behalf of the foregoing.

4. Norfolk Southern objects to CSXT's definition of "CWRV" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including predecessors and successors in interest, present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, areas offices, and regional offices and all Persons acting or purporting to act on the behalf of the foregoing.
5. Norfolk Southern objects to CSXT's definition of "NIT" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including predecessors and successors in interest, present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, areas offices, and regional offices and all Persons acting or purporting to act on the behalf of the foregoing.
6. Norfolk Southern objects to CSXT's definition of "Norfolk Southern" or "NS" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence to the extent that CSXT seeks to include (1) all Norfolk Southern affiliates and subsidiaries, (2) any joint venture to which they (an undefined term) are a party, and (3) employees, agents, officers, directors,

- representatives, consultants, accountants, and attorneys, who would neither have information that is relevant nor proportional to the needs of the proceeding, and would be unduly burdensome to produce.
7. Norfolk Southern objects to CSXT's definition of "NPBL" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including predecessors and successors in interest, present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, areas offices, and regional offices and all Persons acting or purporting to act on the behalf of the foregoing.
 8. Norfolk Southern objects to CSXT's definition of "NPBL System" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including a variety of persons, agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices and regional offices, and all Persons acting or purporting to act on the behalf of the foregoing.
 9. Norfolk Southern objects to CSXT's definition of "NS System" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including a variety of persons, agents, representatives, attorneys, predecessors, successors, parents,

subsidiaries, affiliates, divisions, area offices and regional offices, and all Persons acting or purporting to act on the behalf of the foregoing.

10. Norfolk Southern objects to CSXT's definition of "PMT" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including a variety of persons, agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices and regional offices, and all Persons acting or purporting to act on the behalf of the foregoing.
11. Norfolk Southern objects to CSXT's definition of "Relating to" to the extent it is overly broad, unduly burdensome, and seeks information that is outside the scope of this proceeding.
12. Norfolk Southern objects to CSXT's definition of "Relevant Period" as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.
13. Norfolk Southern objects to CSXT's definition of "VIG" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including a variety of persons, agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices and regional offices, and all Persons acting or purporting to act on the behalf of the foregoing.

14. Norfolk Southern objects to CSXT's definition of "VIT" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including a variety of persons, agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices and regional offices, and all Persons acting or purporting to act on the behalf of the foregoing.
15. Norfolk Southern objects to CSXT's definition of "VPA" as overly broad, unduly burdensome, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence including but not limited to with regard to privileged attorney-client communications and attorney work product, and as including a variety of persons, agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices and regional offices, and all Persons acting or purporting to act on the behalf of the foregoing.
16. Norfolk Southern objects to CSXT's Instruction No. 3 as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence given the subject matter and temporal scope of the to-be-filed Significant Application.
17. Norfolk Southern objects to CSXT's Instruction No. 4 as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence given the subject matter and temporal scope of the to-be-filed Significant Application.

18. Norfolk Southern objects to CSXT's Instruction No. 5 as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence given the subject matter and temporal scope of the to-be-filed Significant Application.
19. Norfolk Southern objects to CSXT's Instruction No. 6 to the extent that it seeks a response with regard to a Significant Application that has yet to be filed.
20. Norfolk Southern objects to CSXT's Instruction No. 7 as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence given the subject matter and temporal scope of the to-be-filed Significant Application.
21. Norfolk Southern objects to CSXT's Instruction No. 8 as overly broad, unduly burdensome, seeks information not within the knowledge and awareness of Norfolk Southern, and not reasonably calculated to lead to the discovery of admissible evidence given the subject matter and temporal scope of the to-be-filed Significant Application.
22. Norfolk Southern objects to CSXT's Instructions Nos. 9 and 10 to the extent that the production of electronically stored information ("ESI") would subject Norfolk Southern to unreasonable and undue annoyance, burden, and expense. Discovery is ongoing, and Norfolk Southern reserves the right to supplement this response and/or negotiate an ESI protocol at a later time as appropriate.
23. Norfolk Southern objects to CSXT's Instruction No. 12 as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible

evidence given the subject matter and temporal scope of the to-be-filed Significant Application.

RESPONSES AND OBJECTIONS TO REQUESTS

1. All Documents and Communications between NS and employees of NPBL relating to the Diamond from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 1 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

2. All Documents and Communications between and among NS relating to the Diamond from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 2 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

3. All Documents and Communications between NS and employees of NPBL relating to the use of NPBL by any entity other than NS from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 3 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

4. All Documents and Communications between and among NS relating to the use of NPBL by any entity other than NS from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern

objects to Request No. 4 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

5. All Documents pertaining to setting NPBL's rates, including rates to be charged for switch services from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 5 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

6. All minutes, agendas, presentations, or other Documents relating to meetings of the NPBL Board of Directors, NPBL Rate Committee, and NPBL Annual Shareholders' meetings from January 1, 2018-present, including drafts.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 6 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

7. All audits conducted of NS from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 7 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

8. All audits conducted of NPBL from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 8 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

9. NPBL's annual financial statements from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 9 to the extent that the Request is overly broad, unduly burdensome, untimely, and not reasonably calculated to lead to the discovery of relevant information.

10. All Documents that NS has received relating to Communications between NPBL and the VPA, VIT, NIT, PMT, and VIG from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 10 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

11. All Communications between NS and the CWRV relating to the CWRV's switch rate formula, including any switch rate formula in effect and any proposed or considered switch rate formula that did not take effect from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 11 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

12. All Documents relating to CSXT's use of tracks that access NIT, PMT, and VIG from January 1, 2018-present

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 12 to the extent that the Request is overly broad, unduly burdensome,

ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

13. All Documents between NS and VPA or VTI relating to CSXT's access to NIT, PMT, and VIG from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 13 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

14. All Documents between NS and VPA, or VIT relating to the switch rates, including NPBL and intraplant switch rates to be charged to NS at NIT, PMT, and VIG from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 14 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

15. Documents sufficient to show switch rates at all East Coast Ports served by NS from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 15 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

16. All Documents relating to the removal of track at the Diamond, including any Documents referencing the consequences of removing the track to CSXT or other rail companies from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 16 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

17. All Documents relating to the use of CSXT locomotives by NPBL or on NPBL track from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 17 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

18. All Documents relating to the use of NS locomotives by NPBL or on NPBL track from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 18 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

19. All Documents relating to CSXT's proposals for revised rates, and any analysis or assessment performed regarding such proposals, including with respect to NPBL, NS, and/or port operations from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 19 to the extent that the Request is overly broad, unduly burdensome,

ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

20. All Documents and Communications between NS and any actual or potential customer for whom NS or CSXT moves freight through any East Coast Port, including any requests for proposals, responses to requests for proposals, term sheets, draft or final contracts or agreements, and any related communications from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 20 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

21. All Documents in which NS references CSXT's lack of access or means to restrict access to NIT, PMT (including Pinner's Point), or VIG and NPBL from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 21 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

22. All Documents relating to NS's pricing strategies for any freight transportation by rail moving in or out of any East Coast Port from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 22 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

23. All Documents relating to NS's business performance at NIT, VIG, and PMT, including Documents reflecting sales growth or declines, increases or decreases in the number of customers serviced by NS, and increases or decreases in NS's market share for freight transportation by rail in or out of NIT, VIG, and PMT from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 23 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

24. All market studies, competitive analyses, market share calculations, market intelligence, and revenue/profit forecasts for the Hampton Roads area, or any other East Coast Port that also refer to NIT, PMT, or VIG, including any Documents identifying, comparing, or analyzing the cost of serving NIT, PMT, or VIG by rail versus by truck from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 24 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

25. All Documents relating to any investigations by the U.S. Department of Justice, Federal Trade Commission, or any other administrative agency concerning any allegations of anticompetitive conduct by NS from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 25 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

26. All Documents relating to competitive alternatives for customers shipping cargo through NIT, VIG, and PMT from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 26 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

27. Documents sufficient to show capacity and freight volumes shipped by NS through NIT, VIG, and PMT from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 27 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

28. Documents sufficient to show NS's gross margins for NS's services to and from NIT, VIG, and PMT from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 28 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

29. All Documents relating to historical or current data and information relating to capacity, freight volumes, ports of origin, destinations, and rates for NS and its competitors at NIT, PMT, VIG, and other East Coast Ports from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 29 to the extent that the Request is overly broad, unduly burdensome,

ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

30. All Documents relating to infrastructure for access via rail or truck at NIT, PMT (including Pinner's Point), and VIG, including Documents relating to double-stacking, lease of storage tracks, or other limitations on capacity, efficiency, or type of service from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No.30 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

31. All Documents and Communications relating to any contract or agreement effective at any time between You and NPBL, including all documents that constitute, memorialize, evidence, describe, or are part of or incorporated into such contract or agreement from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 31 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

32. All Documents and Communications between or among any or all of You, NPBL, or CSXT relating to access to NIT, including without limitation all Documents and Communications concerning CSXT's access to NIT via drayage and via rail, from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 32 to the extent that the Request is overly broad, unduly burdensome,

ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

33. All Documents relating to communications between You and any person other than NPBL or CSXT relating to the ownership, shareholder structure, or corporate governance of NPBL from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 33 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

34. All Documents containing internal NS Communications relating to the ownership, shareholder structure, or corporate governance of NPBL from January 1, 2018 to present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 34 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

35. All Documents relating to Communications between You and the Commonwealth of Virginia relating to intermodal freight operations at a Port of Virginia Terminal, including NIT, VIG, and PMT, from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 35 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

36. All Documents relating to the analysis of the economic effects of the merger of Southern Railway Company with Norfolk & Western Railway Company on NPBL or the intermodal freight business from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 36 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

37. All Documents and Communications between You and NPBL relating to any rate or service proposal made to NPBL by CSXT from January 1, 2018- present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 37 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

38. All Documents relating to the analysis of NS's capacity to meet future demand for rail service to intermodal shippers moving in or out of any East Coast Port from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 38 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

39. All Documents relating to the analysis of competition among various modes of inland transportation, including rail, truck, or barge operations, to serve shippers of intermodal freight moving in or out of any East Coast Port from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 39 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

40. All Documents relating to the comparative advantages that NS or NPBL may possess at any East Coast Port from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 40 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

41. All Documents and Communications relating to the quality of NS's performance pursuant to any contract whose subject matter involves or relates to the movement of intermodal traffic in or out of any East Coast Port from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 41 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

42. All Documents and Communications relating to the quality or price of CSXT's services in the movement of intermodal freight in or out of any East Coast Port from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 42 to the extent that the Request is overly broad, unduly burdensome,

ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

43. All Documents relating to business relationships concerning intermodal transportation services that were acquired by You after being held by CSXT, including all analyses of the reasons why You were able to acquire the business, from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 43 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

44. All Documents and Communications relating to any proposed or contemplated expansion of terminal capacity, or intermodal freight-handling capacity, at NIT, VIG, or PMT from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 44 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

45. All Documents relating to contracts between You and CWRV from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 45 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

46. All Documents and Communications concerning NS's use of drayage or trucking services at any East Coast Port, including without limitation any Documents or Communications pertaining to the comparative advantages or disadvantages of drayage or trucking services versus on-dock rail services from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 46 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

47. All Documents relating to Your analysis of opportunities to compete with CSXT for the business of ocean shippers seeking rail transportation of intermodal containers, including your assessment of any wins or losses of business for which you competed against CSXT, involving any East Coast Port, from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 47 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

48. All Documents relating to Your analysis of opportunities to compete with transportation providers other than CSXT, including railroad companies, trucking companies, barge companies, and other providers, for the business of ocean shippers seeking rail transportation of intermodal containers in or out of any East Coast Port, including your assessment of any wins or losses of business for which you competed against such providers, from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 48 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

49. All Documents and Communications between You and NPBL relating to any evaluation or analysis of the capacity of the railroad infrastructure located within the Cities of Norfolk, Portsmouth, or Chesapeake, regardless of its ownership, to carry current or projected volumes of intermodal freight traffic passing through NIT, VIG, or PMT, from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 49 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

50. All route maps for NS intermodal container transport, including inland ports operated by NS from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 50 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

51. All Documents relating to actual or contemplated additions to or reductions from available NS intermodal or container transportation routes from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 51 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

52. All Documents and Communications between or among any or all of You, NPBL, and the Commonwealth of Virginia concerning planned or potential intermodal freight operations by NS or CSXT through NIT, VIG, or PMT from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 52 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

53. All Documents and Communications between You and the Commonwealth of Virginia concerning planned or potential future expansion of rail infrastructure, including the projected cost of such expansion, at the Port of Hampton Roads from January 1, 2018-present.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 53 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

Traffic Requests

54. Produce all Documents, including databases, data warehouses, and computer programs (with all documentation related to these databases and computer programs), in a computer-readable format, that include the information listed below for each movement handled by NS for any portion of the through movement, loaded or empty, that moved in or out of any East Coast Port by any means of transportation (including by drayage or other railroad) for each year or partial year during the Relevant Period.
- a. Name of the consignee, shipper, payee, and customer for each shipment record;
 - b. Commodity Code (seven-digit Standard Transportation Commodity Code “STCC”);
 - c. Toxic Inhalation Hazard/Poisonous Inhalation Hazard (“TIH/PIH”) Commodity Identifier;
 - d. Origin station, State or Province, Standard Point Location Code (“SPLC”), and Freight Station Accounting Code (“FSAC”);
 - e. Origin date and time;
 - f. Destination station, State or Province, SPLC, and FSAC;
 - g. Destination date and time;
 - h. For shipments NS received in interchange, including in an origin switch, the on-junction location station, State or Province, SPLC, FSAC, and the railroad received from;

- i. For shipments given in interchange, including in a terminal switch, off-junction location station, State or Province, SPLC, FSAC, and the railroad given to;
- j. Full route interchange and carriers;
- k. Number of rail cars;
- l. Number of intermodal containers or trailers;
- m. Tons (Net);
- n. Rail car tare weight;
- o. Intermodal container or trailer tare weight;
- p. Total freight revenues from origin to destination, each railroad's share of the total freight revenues in the event that railroad was not the sole carrier for a particular movement, including any adjustments thereto, along with a description of the adjustment (i.e., add to or subtract from gross revenue);
- q. Fuel surcharge;
- r. Haulage fees;
- s. Total freight cost;
- t. The contract, agreement, tariff, or other pricing authority that the shipment is billed under including the amendment and item numbers;
- u. Unique Waybill number and Waybill date;
- v. Car/trailer/container initial and number for each car/trailer/container used to move the shipment;
- w. The unique train identification initial and number of all trains used to move the shipment;
- x. Total loaded movement miles;
- y. Total loaded miles on NS's System;
- z. AAR car-type code;
- aa. Provider of car and container/trailer (railroad-owned, railroad-leased, shipper or foreign road);
- bb. Total empty movement miles;
- cc. Total empty miles on NS's System; and
- dd. Intermodal service plan code and the intermodal line of business code for each intermodal shipment.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 54 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

- 55. All Documents relating to studies or analyses of transit and/or cycle times for any intermodal railroad train movements in or out of any East Coast Port for each year or partial year during the Relevant Period. For each study or analysis, responsive information includes, but is not limited to, the following categories: commodity classification, geographic regions, and line segment.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 55 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

56. All Documents relating to the projected and actual transit and/or cycle times, and the standard or expected or contractual transit and/or cycle time for each intermodal movement in or out of any East Coast Port during the Relevant Period. Produce documents, to the extent available, in a computer readable format.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 56 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

57. All operating timetables, station lists, station books, track charts, and condensed profiles for the NS System for any subdivision that includes Norfolk, VA that were prepared, considered, or in effect during the Relevant Period. If current versions of any of the requested documents are not available, produce the most recent versions that are available.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 57 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

58. All Documents relating to forecasts or projections prepared by NS or for NS, relating to future traffic volumes and/or revenues for International Intermodal freight traffic in or out of any East Coast Port.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 58 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

59. All workpapers and filings relating to this Action that NS submitted to the Board.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3, No. 5, and No. 9, Norfolk Southern objects to Request No. 59 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

60. All Documents concerning NS's projected growth and investment needs in Virginia.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 60 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

61. All Documents concerning NPBL's projected growth and investment needs in Virginia.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 61 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

Rates, Costs & Competition Requests

62. Communications relating to railroad rates for International Intermodal freight traffic moving to or from all East Coast Ports. You may exclude documents of a routine transactional nature (e.g., waybills), provided that You identify the categories of documents so excluded.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 62 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

63. All Documents relating to studies or analyses of traffic volumes, railroad rates, or railroad costs for any intermodal railroad train movements in or out of any East Coast Port.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 63 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

64. All Documents relating to studies or analysis of railroad rates for International Intermodal freight traffic moving to or from all East Coast Ports.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 64 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

65. All Documents relating to traffic that could be moved by CSXT on NPBL.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 65 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

66. All Documents relating to studies, analyses, and reports relating to rates that CSXT has charged or could charge for traffic moving on NPBL.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 66 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

67. All Documents relating to the actual, estimated, hypothetical or proposed railroad rates for traffic moving via the NPBL System.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 67 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

68. All Documents relating to the actual, estimated, hypothetical or proposed railroad costs for traffic moving via the NPBL System.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 68 to the extent that the Request is overly broad, unduly burdensome,

ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

69. All Documents relating to studies, analyses, and reports relating to railroad traffic moving to or from all East Coast Ports that could be originated or terminated by either NS or CSXT.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 69 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

70. All Documents relating to the use of truck transportation for freight traffic moving in or out of any East Coast Ports.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 70 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

71. All Documents, including studies, analyses, and reports, relating to the market for waterborne container ship transportation, including rates and fees, distance, and transit times, for freight traffic moving in or out of any East Coast Ports.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 71 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

72. All Documents relating to competition for intermodal traffic to or from all East Coast Ports, including competition between CSXT and NS and competition between freight rail transportation, truck transportation, and alternative ports.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 72 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

73. All written railroad policies, protocols, instructions, and other documents relating to the terms and rates of NS intermodal service, including Documents relating to how such rates should be determined.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 73 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

74. All Documents that show, reflect, or discuss NPBL's costs, including the following:
- a. Switching Crew;
 - b. Yard Staff;
 - c. Fuel;
 - d. Locomotive Maintenance;
 - e. Track Maintenance;
 - f. Locomotive Depreciation; and
 - g. Track Infrastructure.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 74 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

75. All Documents relating to electronic workpapers and underlying data used to calculate the “Railway operating expenses” provided in the “Norfolk and Portsmouth Belt Line Railroad Co. Statement of Income” as reported in the NPBL Annual Report between 2011-2024.
- a. All Documents relating to the categories of expenses included in the field “compensation and benefits,” including documents sufficient to show what is included in this field;
 - b. All Documents relating to the categories of the expenses included in the field “Purchased services and rents,” including documents sufficient to show what is included in this field; and
 - c. All Documents relating to the categories of the expenses included in the field “materials and other,” including documents sufficient to show what is included in this field.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 75 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

76. All Documents relating to the costs of an intermodal switch between NPBL and CSXT to NIT during the Relevant Period, including any cost associated with use of NS’s Portlock Yard.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 76 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

77. All Documents relating to the calculation of costs NPBL would incur to provide switching for CSXT intermodal containers.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 77 to the extent that the Request is overly broad, unduly burdensome,

ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

78. All Communications between NPBL and VPA or VIT relating to NPBL's actual or projected operating costs, including costs for switching traffic for other carriers.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 78 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

79. All Documents relating to railroad costs for traffic moving to or from all East Coast Ports that could be originated or terminated on NS or CSXT railroads. You may exclude documents of a routine transactional nature (e.g., waybills), provided that You identify the categories of documents so excluded.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 79 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

80. All Communications relating to NPBL's cost for traffic to be handled via the NPBL.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 80 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

81. All Documents and Communications relating to NPBL's operations or service over NS's track for access to NIT.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 81 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

82. All Documents and Communications relating to the impact of CSXT's use of NPBL to access NIT.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 82 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

83. All Documents and Communications relating to the use of NS's Portlock Yard, including the ability to avoid use of Portlock Yard, in the movement of NPBL traffic.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 83 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

84. All Documents relating to the trackage rights fee charged by NS to NPBL for the use of NS track, including any change in the level of the trackage rights fee.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 84 to the extent that the Request is overly broad, unduly burdensome,

ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

85. All Documents relating to the use of the CWRV by NS or CSXT to move intermodal freight.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 85 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

86. All Documents relating to the amounts paid by NS or CSXT to the CWRV for any services.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 86 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

87. All Documents relating to the CWRV's commercial practices, prices and rates charged, and corporate organization.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 87 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

88. All Documents relating to the costs of the CWRV for any service provided.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 88 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

89. All Documents relating to the CWRV as a corporate entity.

RESPONSE: Subject to, and without waiving the General Objections and Specific Objections set forth above, specifically General Objections No. 3 and No. 5, Norfolk Southern objects to Request No. 89 to the extent that the Request is overly broad, unduly burdensome, ambiguous, untimely, and not reasonably calculated to lead to the discovery of relevant information.

Respectfully submitted,

/s/ William A. Mullins

Joseph H. Carpenter
Thomas E. Zoeller
Hanna M. Chouest
NORFOLK SOUTHERN CORPORATION
650 W Peachtree St N.W.
Atlanta, GA 30308
Tel: (470) 571-5208

William A. Mullins
Rose-Michele Nardi
John V. Edwards
MULLINS LAW GROUP PLLC
2001 L St., N.W.
Suite 720
Washington, D.C. 20036
Tel.: (202) 663-7823

Attorneys for Norfolk Southern Corporation
and Norfolk Southern Railway Company

April 10, 2025

CERTIFICATE OF SERVICE

I certify that, on April 10, 2025, in keeping with 49 CFR §1114.21(f), I have caused to be served a copy of the forgoing Response And Objection to CSXT's Second Set of Request for Production of Documents on counsel for CSX Transportation and upon each Party of Record in this Proceeding.

/s/ William A. Mullins
William A. Mullins

Attorney for Norfolk Southern Corporation and
Norfolk Southern Railway Company

Exhibit 3

Email Exchange Between CSXT Counsel and NS Counsel

From: William Mullins <wmullins@mullinslawgroup.net>
Sent: Monday, April 14, 2025 9:31 AM
To: Fox, Molly Bruder; Michaela Mastroianni; John Edwards
Cc: Denton, Peter
Subject: [EXTERNAL] Re: FD 36836 - NS's Response and Objection to CSXT's Second Set of Requests for Production of Documents

We do not see a need to meet and confer at that time. NS stands by its objections as outlined in both of its responses to the first and second discovery requests.



William Mullins
Managing Partner
2001 L Street NW, Suite 720
Washington, DC 20036
202-663-7823 Direct
703-862-0696 Cell
wmullins@mullinslawgroup.net
mullinslawgroup.net

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From: Fox, Molly Bruder <mbfox@steptoe.com>
Sent: Friday, April 11, 2025 3:20 PM
To: Michaela Mastroianni <mmastro@mullinslawgroup.net>; William Mullins <wmullins@mullinslawgroup.net>; John Edwards <jedwards@mullinslawgroup.net>
Cc: Denton, Peter <pdenton@steptoe.com>
Subject: RE: FD 36836 - NS's Response and Objection to CSXT's Second Set of Requests for Production of Documents

Counsel,

We would like to meet and confer with you on Monday regarding NS's responses and objections to CSXT's second set of discovery requests. Additionally, we'd like to discuss your position as to both the first and second set of discovery requests given the Board's decision today about the timing of discovery.

Peter and I are available at 11am or between 12:30-2:30. Please let us know if one of those times works for you. If not, please let us know your availability.

Regards,
Molly

Molly Bruder Fox
Partner

Steptoe

Steptoe LLP | 1330 Connecticut Avenue NW | Washington, DC 20036
[+1 202 429 8157](tel:+12024298157) direct | mbfox@steptoe.com | www.steptoe.com | [Steptoe Bio](#)

From: Michaela Mastroianni <mmastro@mullinslawgroup.net>
Sent: Thursday, April 10, 2025 5:01 PM
To: tlitwiler@fletcher-sippel.com; Denton, Peter <pdenton@steptoe.com>; smccoy@portofvirginia.com
Cc: William Mullins <wmullins@mullinslawgroup.net>
Subject: [EXTERNAL] FD 36836 - NS's Response and Objection to CSXT's Second Set of Requests for Production of Documents

Good afternoon,

Please find attached NS's Response and Objection to CSXT's Second Set of Requests for Production of Documents.

Sincerely,

Michaela Mastroianni



Michaela Mastroianni
Associate

2001 L St NW, Suite 720
Washington DC 20036

202-663-7850 Office
202-663-7826 Direct
mmastro@mullinslawgroup.net
mullinslawgroup.net

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CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing *CSX Transportation Inc.'s Second Motion to Compel Production of Documents by Norfolk Southern Corporation and Norfolk Southern Railway Company and Request for Expedited Relief* to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Laura D. Niday

Laura D. Niday
Counsel for CSX Transportation, Inc.
April 18, 2025