

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW, Suite 720
Washington, DC 20036

William A. Mullins
wmullins@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7823
Facsimile: (202) 464-9123

May 21, 2025 309587

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
May 21, 2025
Part of
Public Record

Re: Norfolk Southern Railway Company – Petition to Set Trackage Rights
Compensation – Norfolk & Portsmouth Belt Line Railroad Company,
FD No. 36223
Response to CSX Transportation, Inc.’s Motion for Protective Order

Dear Ms. Brown:

On May 20, 2025, Norfolk Southern Railway Company (“NSR”) was served a copy of CSXT’s Motion for Protective Order (“Motion”) in the above-referenced proceeding, which was filed with the Surface Transportation Board (the “Board”) to protect confidential and commercially sensitive information contained within CSXT’s concurrently filed Motion to Dismiss or to Continue to Hold in Abeyance (“Motion to Dismiss”) from public disclosure.

NSR has reviewed CSXT’s proposed protective order, attached as Appendix A to CSXT’s Motion, and NSR concurs but notes one exception. NSR notes that in its proposed protective order, CSXT does not provide any instructions or protocols relating to when a party inadvertently produces or discloses material or information, that should have been designated to a higher degree of confidentiality, or that should have been protected by the attorney-client privilege, work product doctrine, or any other privilege. It has been NSR’s experience that such protocols are normally contained with the Protective Orders. However, this lack of instructions or protocols could be addressed by either party in a transmittal letter to any discovery responses by reserving the right to amend confidentiality levels or correct the unintentional production of any document, including data, protected by an evidentiary privilege.

Accordingly, notwithstanding the above-stated exception, NSR does not object to the Board entering the protective order with the stipulation that it not solely be limited to CSXT’s

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Motion to Dismiss but should apply to all filings and anticipated discovery in the above-referenced proceeding.

Sincerely,

/s/ William A. Mullins

William A. Mullins
Attorney for Norfolk Southern Railway Company

cc: Parties of Record