

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

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May 21, 2025

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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: CSX Transportation, Inc. – Terminal Trackage Rights – Norfolk Southern
Railway Company and Norfolk & Portsmouth Belt Line Railroad
Company, FD No. 36859
Response to CSX Transportation, Inc.’s Motion for Protective Order

Dear Ms. Brown:

On May 20, 2025, CSX Transportation, Inc. (“CSXT”) filed a Motion for Protective Order (“Motion”) with the Surface Transportation Board (the “Board”) in the above-referenced proceeding to protect confidential and commercially sensitive information contained within CSXT’s concurrently filed Application for Terminal Trackage Rights (“Application”) from public disclosure.

Norfolk Southern Railway Company (“NSR”), as a party to the above-referenced proceeding, 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 in 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.

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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 Application 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