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CSXT-4

June 3, 2025

VIA E-FILING

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

Re: **STB Docket No. NOR 42183, *CSX Transportation, Inc. v. Norfolk Southern Corporation and Norfolk Southern Railway Company***

STB Docket No. FD 36859, *CSX Transportation, Inc.—Terminal Trackage Rights—Norfolk Southern Railway Company and Norfolk & Portsmouth Belt Line Railroad Company*

Dear Ms. Brown:

On June 2, 2025, NS¹ filed in the above-referenced proceedings a Petition for Housekeeping Stay, a Combined Motion to Hold in Abeyance, and a reply to CSXT's reply to NS's motions for extension of time. Under the Board's rules, CSXT has until June 23, 2025 to reply to each of the NS requests. Because of the expedited handling requested by NS, CSXT hereby replies to NS's request for a housekeeping stay. CSXT will expedite its reply to NS's request for abeyance and seek to file that reply by June 12, 2025.

As CSXT stated in its letter filed yesterday in these proceedings, in response to NS's motions for extension of time, CSXT strongly objects to NS's clearly-stated strategy of putting off all consideration of CSXT's requests for relief, first through a 30-day extension of time to respond to CSXT's claims, and now through a request

¹ Unless otherwise defined, the acronyms and defined terms used herein are the same as those used in CSX Transportation, Inc.'s Complaint, filed on May 20, 2025 in Docket No. NOR 42183, or in CSX Transportation, Inc.'s Application for Terminal Trackage Rights, filed on May 20, 2025 in Docket No. FD 36859.

for an indefinite housekeeping stay and a request that CSXT's claims be put into abeyance.

CSXT's claims in these proceedings are timely and should proceed without delay. CSXT brought these claims within a month after CSXT's antitrust case concluded, consistent with the Board's order for the parties to take "appropriate steps" to address NS's unauthorized control at that time. Granting the relief requested through CSXT's affirmative cases – not granting NS's control request – is the "appropriate step" to address NS's unauthorized control.

CSXT has suffered and continues to suffer direct economic damages and other harm due to NS's unlawful control of NPBL. CSXT is entitled to seek relief and is entitled to prompt consideration of its claims. As CSXT stated yesterday, CSXT would not oppose a short ten-day extension of the schedule for responding to its May 20 filings, but CSXT is strongly opposed to a potentially indefinite extension of the schedule through a housekeeping stay. The STB should soundly reject NS's efforts to put off consideration of CSXT's claims. NS is one of the largest railroads in the country and has significant resources to respond in a timely fashion to CSXT's claims.

In any event, if the Board imposes a housekeeping stay on CSXT's affirmative cases in order to more carefully consider the scheduling implications of these related proceedings, fundamental fairness dictates that the Board should also impose a housekeeping stay on the NS/NPBL control proceeding.² The Board could then decide which approach – CSXT's or NS's or both – are the "appropriate steps" at this time to address NS's unauthorized control.

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton

Attorney for CSX Transportation, Inc.

cc: Parties of record

² See *W. Coal Traffic League v. Surface Transp. Bd.*, 216 F.3d 1168 (D.C. Cir. 2000) (affirming Board decision to postpone its acceptance or review of a railroad merger proposal under certain circumstances).

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter in Docket Nos. NOR 42183 and FD 36859 to be served electronically or by first class mail, postage pre-paid, on all parties of record in these proceedings.

/s/ Sally Mordi

Sally Mordi

Attorney for CSX Transportation, Inc.

June 3, 2025