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ENTERED
Office of Proceedings
June 4, 2025
Part of Public Record

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June 3, 2025

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

 GRANTED Office of Proceedings	DECISION ID NO.: <u>52623</u>
	DECIDED DATE: <u>6/5/2025</u>
	SERVED DATE: <u>6/5/2025</u>
	APPROVED:  Acting Director
☒ <u>Granted as to FD 36223 only.</u>	

Re: **Docket No. FD 36223**
Norfolk Southern Railway Company -- Petition to
Set Trackage Rights Compensation -- Norfolk and
Portsmouth Belt Line Railroad Company

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

Dear Ms. Brown:

Norfolk and Portsmouth Belt Line Railroad Company (“NPBL”), respondent in the above-captioned proceedings, hereby seeks a 15-day extension of time, to June 24, 2025, to reply to 1) the Motion to Dismiss or to Continue to Hold in Abeyance of CSX Transportation, Inc. (“CSXT”), as respondent, in Docket No. FD 36223; and 2) the Application for Terminal Trackage Rights (CSXT-1) of CSXT, as applicant, in Docket No. FD 36859, both filed on May 20, 2025.

NPBL’s principal counsel is out of the county and unavailable until June 9. The additional time sought will allow NPBL to consider and prepare responses to CSXT’s pleadings upon his return. Under the circumstances, NPBL believes good cause exists to grant the requested extension.

On June 2, 2025, Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, “NS”) filed a Petition for Housekeeping Stay of the FD 36859 proceeding and a Combined Motion to Hold in Abeyance both the FD 36859 proceeding and the complaint proceeding CSXT seeks to initiate against NS in Docket No. NOR 42183, *CSX Transportation*,

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Inc. v. Norfolk Southern Corporation and Norfolk Southern Railway Company (a proceeding to which NPBL is not a party). As applicable to itself, NPBL supports the relief NS seeks in those filings.¹ NPBL is nonetheless submitting this extension request to protect its interests in case the Board does not take timely favorable action on NS's June 2 relief requests.

NPBL has informed counsel for CSXT and NS of its intent to file the present extension request. CSXT does not object to a 15-day extension for NPBL in FD 36223, but does not concur in an extension of greater than 10 days for NPBL in FD 36859. NS has indicated that NPBL's requested extension would be mooted by favorable action on NS's pending motions.

I certify that a copy of this letter has been served by electronic mail on counsel of record in these proceedings, as shown below.

Respectfully submitted,

/s/ *Thomas J. Litwiler*

Thomas J. Litwiler
Attorney for Norfolk and Portsmouth
Belt Line Railroad Company

TJL:tl

cc: Peter W. Denton, Esq.
William A. Mullins, Esq.
Anthony J. LaRocca, Esq.
Louis E. Gitomer, Esq.
James L. Chapman, IV, Esq.

¹ As with NS, CSXT has served voluminous document production requests on NPBL in FD 36859 that are largely duplicative of previous CSXT discovery served on NPBL in Docket No. FD 36836, *Norfolk Southern Corporation and Norfolk Southern Railway Company – Acquisition of Control – Norfolk & Portsmouth Belt Line Railroad Company*. The matters in FD 36836 are currently subject to a housekeeping stay issued by the Board in that docket on April 24, 2025.