

MULLINS LAW GROUP PLLC*Transportation Solutions for the 21st Century*2001 L Street NW, Suite 720
Washington, DC 20036William A. Mullins
wmullins@mullinslawgroup.net
mullinslawgroup.netTelephone: (202) 663-7850
Direct: (202) 663-7823
Facsimile: (202) 464-9123

June 6, 2025

309639

VIA E-FILINGCynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001ENTERED
Office of Proceedings
June 6, 2025
Part of Public RecordRe: STB Finance Docket No. 36836, *Norfolk Southern Corporation and
Norfolk Southern Railway Company – Acquisition and Control – Norfolk
& Portsmouth Belt Line Railroad Company*

Dear Ms. Brown:

On June 6, 2025, CSX Transportation, Inc. (“CSXT”) once again attempted to circumvent the established procedures and regulations of the Board, as well as the intent of the Board’s April 24, 2025 housekeeping stay, by serving additional discovery requests on both Norfolk Southern Railway Company (“NS”) and Norfolk and Portsmouth Belt Line Railroad Company (“NPBL”). Specifically, CSXT issued the following: *CSXT’s Third Set of Requests for Production of Documents to NS*, *CSXT’s Third Set of Requests for Production of Documents to NPBL*, *CSXT’s First Set of Interrogatories to NS*, and *CSXT’s First Set of Interrogatories to NPBL*. These requests include a demand that NS respond within fifteen days.

This new round of discovery directly contradicts both the spirit of the April 24 order and established precedent, which holds that discovery in a control proceeding should not commence until an application has been filed and accepted. Accordingly, NS respectfully requests that the Board expand or clarify the April 24 housekeeping stay to explicitly state that it applies to all discovery—past and future—until the Board issues a procedural schedule and rules on the appropriate timing for discovery.

There is ample justification for expanding or clarifying the April 24 stay, based on the same grounds that supported its initial issuance. Rather than restate those arguments in full, NS incorporates them here by reference. Additional justification arises from CSXT’s apparent

MULLINS LAW GROUP PLLC

June 6, 2025

Page 2

strategy to overwhelm the Board and NS by filing numerous pleadings to generate additional dockets, and by serving over 200 discovery demands—all timed to coincide with NS’s deadline to supplement its application. This conduct not only violates the spirit of the April 24 order but also undermines the intent of the housekeeping stay issued yesterday in related dockets, which involve overlapping facts, arguments, and potential relief.¹

Clarifying and expanding the April 24 stay will not prejudice CSXT or any other party. CSXT will still have ample opportunity to pursue discovery under the forthcoming procedural schedule or any alternative schedule the Board may establish. In contrast, denying this request would impose a significant burden on NS, NPBL, and the Board.

For these reasons, NS respectfully requests that the Board expand or clarify its April 24, 2025 housekeeping stay to cover the substantial additional discovery CSXT has served, as well as any future discovery CSXT may attempt to initiate, until the Board has ruled on NS’s petition for reconsideration of Decision No. 3 and its request to stay the initiation of discovery in this proceeding.

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

June 6, 2025

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

cc: Parties of Record

¹ See CSX Transportation, Inc. v. Norfolk Southern Corporation And Norfolk Southern Railway Company; CSX Transportation, Inc. – Terminal Trackage Rights -- Norfolk Southern Corporation And Norfolk Southern Railway And Norfolk & Portsmouth Belt Line Railroad Company, Docket Nos. NOR 42183 and FD 36859, slip. op. at 3 (STB served June 5, 2025) (Board noted that it “must carefully consider how to proceed in these related dockets given the significant overlap of issues and the demand on the Board’s resources.”)