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FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

June 9, 2025

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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

Re: **Docket No. FD 36836**
Norfolk Southern Corporation and Norfolk Southern
Railway Company – Acquisition of Control –
Norfolk and Portsmouth Belt Line Railroad Company

Dear Ms. Brown:

Norfolk and Portsmouth Belt Line Railroad Company (“NPBL”) hereby joins the June 6, 2025 request (NS-12) of Norfolk Southern Railway Company (“NSR”) that the Board expand or clarify its April 24, 2025 housekeeping stay in the above-captioned proceeding.

CSX Transportation, Inc. (“CSXT”) has served extensive discovery on NPBL in this matter. This includes a set of sixty (60) document production requests that substantially overlap with, and in many cases are identical to, the CSXT document requests to NSR that were the direct subject of the Board’s April 24 housekeeping stay. Moreover, CSXT recently served NPBL with an additional third set of document production requests, as well as a first set of interrogatories.

The Board entered the April 24 housekeeping stay due to the pendency of several NSR petitions related to discovery timing in this matter. These petitions sought reconsideration of the portion of Decision No. 3 (served March 14, 2025) that permitted discovery to begin before NSR filed its perfected application. NPBL believes the intention and rationale of the April 24 stay apply to all discovery CSXT has served in this proceeding. Accordingly, NPBL has informed CSXT that it will not respond to CSXT’s extensive discovery requests until the Board resolves the discovery timing question. CSXT, however, disagrees with this interpretation and believes NPBL should be required to respond now, notwithstanding the housekeeping stay.

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By its terms, the NS-12 request would encompass NPBL, and NSR has noted that denying the request “would impose a significant burden on NS, NPBL, and the Board.” NS-12 at 2 (emphasis added). NPBL reiterates its clear support for that request. As a small switching and terminal railroad with limited staff, compiling responses to CSXT’s voluminous discovery requests would indeed impose a substantial burden on its resources and personnel. Until the pending questions regarding the timing, nature and extent of discovery in this proceeding are resolved by the Board, NPBL should not be prematurely required to provide responses to CSXT’s extensive discovery.

NPBL therefore requests that any favorable action taken on the NS-12 request expressly include NPBL within the relief granted.

I certify that a copy of this letter has been served by electronic mail on counsel of record in this proceeding, 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.
Sally Mordi, Esq.
Sarah J. McCoy, Esq.
James L. Chapman, IV, Esq.