

Peter W. Denton
202 429 6445
pdenton@steptoe.com

Steptoe

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoec.com

309642

ENTERED
Office of Proceedings
June 9, 2025
Part of **CSXT-9**
Public Record

June 9, 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. FD 36836, *Norfolk Southern Corporation and Norfolk Southern Railway Company—Acquisition of Control—Norfolk & Portsmouth Belt Line Railroad Company***

Dear Ms. Brown:

On June 6, 2025, NS¹ filed in the above-referenced proceeding a request 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.” (NS-12 at 1.) On June 9, 2025, NPBL joined the NS request. (NPBL-2 at 1.)

The Board should reject NS’s latest attempt to bend the course of the Board’s proceedings in its favor through delay. Contrary to the predicate for NS’s request, the Board has already “rule[d] on the appropriate timing for discovery.” (NS-12 at 1.) On April 11, 2025, the Board held that discovery is open in this proceeding. That decision is effective today.

CSXT’s service of additional discovery requests at this time is entirely consistent with the Board’s April 11 order and can hardly “contradict[] the spirit of

¹ Unless otherwise defined, the acronyms and defined terms used herein are the same as those used in the Board’s Decision No. 2, served on March 14, 2025 in this proceeding, or in CSX Transportation Inc.’s Petition to Reject Northern Southern’s Minor Application, filed on February 27, 2025.

the April 24 order” (NS-12 at 1). The April 24 order entered a housekeeping stay that simply tolled the deadlines for NS’s responses to CSXT’s motions to compel.

NS’s and NPBL’s request to expand the April 24 housekeeping stay to cover all discovery is essentially the same request that NS already made in its still-pending petition to stay the effect of the Board’s April 11 order. CSXT has already explained why the Board should reject that request. (*See* CSXT-8, filed April 25, 2025.) The Board should not allow NS and NPBL to run out the clock on the development of a record regarding their anticompetitive conduct, taking shelter in the tight statutory deadlines for processing control requests.

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton

Attorney for CSX Transportation, Inc.

cc: Parties of record

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter in Docket No. FD 36836 to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Sally Mordi

Sally Mordi

Attorney for CSX Transportation, Inc.

June 9, 2025