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November 13, 2025

310148

VIA E-Filing

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ENTERED
Office of Chief Counsel
November 13, 2025

Part of
Public Record

Re: Norfolk S. Corp. & Norfolk S. Ry. Co. – Acquisition of Control – Norfolk & Portsmouth Belt Line Rr. Co., FD 36836
Response to CSXT’s Motion to Modify the Procedural Schedule

Dear Chief of Case Administration and ALJ Soulikias,

Norfolk Southern (“NS”) respectfully submits this response to what is in effect a CSXT motion to modify the procedural schedule (CSXT-28), filed shortly after NS submitted its own motion for extension (NS-28).¹ It is evident that CSXT filed its motion without the benefit of reviewing NS-28, which directly addresses the ongoing discovery challenges and the collaborative efforts among NS, CSXT, and VPA/VIT to resolve them without Board or ALJ intervention. CSXT’s motion appears to be in response to NS-27.²

CSXT’s assertion that materials from VPA/VIT are of “limited relevance” is not only inaccurate—it is strategically misleading. The discovery sought from VPA/VIT is central to evaluating terminal capacity, inter-terminal drayage efficiency, and operational practices—issues CSXT itself has placed at the heart of this proceeding. NS is entitled to direct access to VPA/VIT’s documents, not merely those selectively filtered and produced by CSXT. VPA/VIT

¹ Although styled as a reply, CSXT-28 made an affirmative request to amend the procedural schedule. As such, NS is entitled to respond and this response should not be considered a “reply to a reply.”

² CSXT took issue with many of the comments in NS-27. But NS-28 noted that many of those issues had been resolved. In fact, NS specifically stated that “CSXT asserts that its discovery is complete, and Norfolk Southern generally concurs, subject to minor exceptions.” NS-28 at 1.

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has acknowledged that additional relevant materials remain outstanding, and NS must be afforded the opportunity to review and incorporate these into its filings before responding to CSXT's opposition.

CSXT's proposal to allow NS a mere seven-day window to supplement its filings after VPA/VIT completes its discovery is procedurally flawed and prejudicial. It invites a cascade of supplemental filings and rebuttals that would unnecessarily complicate the record and delay resolution. The Board should reject this piecemeal approach in favor of a complete and orderly presentation of the record.³

Moreover, CSXT's request for an additional 13 days to file its brief lacks merit. CSXT has already benefited from two prior extensions to complete its discovery. It now seeks a total of 73 days to respond to NS's filings—an excessive and unjustified deviation from the Board's established 60-day schedule. The government shutdown did not impede CSXT's ability to prepare its brief, nor does it warrant further delay.

NS has not sought procedural advantage; it has simply requested sufficient time to incorporate discovery that remains incomplete due to delays outside its control. The Board should preserve the integrity of its schedule by denying CSXT's motion and reaffirming that:

- As requested in NS-28, NS shall have 15 days from the date VPA/VIT completes its discovery to file its reply to CSXT's opposition comments.
- CSXT (and NS) shall then have 60 days from that date to file their briefs, consistent with the current procedural framework.

Respectfully Submitted,

/s/ William A. Mullins

William A. Mullins
Counsel for Norfolk Southern Corporation and
Norfolk Southern Railway Company

cc: Parties of Record

³ Indeed, documents produced by VPA/VIT may indicate that CSXT has not completed its discovery obligations and those documents may lead to additional relevant CSXT documents that NS should be able to discover. CSXT's suggestion of an "after the fact" remedy should be rejected because it does not provide NS with an opportunity to review VPA/VIT's documents and seek additional discovery, if necessary, against CSXT.