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November 24, 2025

VIA E-FILING

Anika S. Cooper
Chief Counsel, Office of the Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36447-*Lake Providence Port Commission- Feeder
Application—Line of Delta Southern Railroad in East Carroll and
Madison Parishes, Louisiana*

Dear Chief Counsel:

Enclosed herewith is the Lake Providence Port Commission's Reply to the Motion to Strike and in the Alternative Motion to Compel or for a Subpoena Duces Tecum. A true copy of the foregoing has been served on all of the entities named in the Certificate of Service attached thereto.

If you have any questions regarding this filing, please feel free to contact either one of the signatories named below.

Richard H. Streeter

Michael F. McBride

/s/Richard H. Streeter

/s/Michael F. McBride

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Michael F. McBride
Van Nes Feldman, LLP
2000 Pennsylvania Ave, N.W.
Suite 6000
Washington, D.C. 20006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36447

**LAKE PROVIDENCE PORT COMMISSION—FEEDER LINE
APPLICATION—LINE OF DELTA SOUTHERN RAILROAD
LOCATED IN EAST CARROLL AND MADISON PARISHES, LA**

**LAKE PROVIDENCE PORT COMMISSION'S REPLY TO NOVEMBER 19,
2025 "MOTION OF DELTA SOUTHERN RAILROAD, INC. TO STRIKE AND
IN THE ALTERNATIVE MOTION TO COMPEL OR FOR A SUBPOENA DUCES
TECUM"**

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Michael F. McBride
Van Ness Feldman, LLP
2000 Pennsylvania Ave., N.W.
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Dated November 24, 2025

I.

Because the Board's Regulations Clearly Provide That the Definition Of "Party" Does Not Include Persons Who Merely Sign a Certificate of Support Unless They Are Otherwise a Party to the Proceeding, the Four Non-Party Shipper Witnesses from Whom Discovery Is Only Now Being Sought Are Not Subject to the Written Discovery Requests Propounded by DSR and Served on October 13, 2025.

At page one of the "Motion to Strike and in the Alternative Motion to Compel or for a Subpoena Duces Tecum" ("Motion to Compel"), Delta Southern Railroad ("DSR") misleadingly claims that it has "attempted not to let the government shutdown delay its start on completing discovery." Actually, at no time before October 2025 had DSR requested discovery from any of the non-party shipper witnesses that have filed Verified Statements in support of the efforts of Lake Providence Port Commission ("LPPC"), North Louisiana & Arkansas Railroad ("NL & A"), and Southeast Arkansas Economic Development District ("SEAEDD") to rehabilitate the entire Corridor between McGeehee, Arkansas and Tallulah, Louisiana. Indeed, on June 30, 2021, DSR filed a letter herein stating that "DSR has elected not to pursue a motion to compel, and deems discovery concluded."

DSR subsequently took unsupported shots against the non-party shipper witnesses on January 13, 2023, when it filed its first Motion to Reject LPPC's Amended Feeder Line Application (hereinafter referred to as "the Amended Application"). Moreover, even after the Board pointedly advised DSR in its Decision, served November 20, 2023 (over two years ago), that its attempts to discredit the shippers were unsupported, DSR did not even then seek to

propound discovery seeking to obtain any evidence from the affected shippers that their rail traffic was or is now allegedly *adequate*.¹

In addition, DSR conveniently ignores the fact that in its pleading filed June 20, 2025, which the Board cited in its September 25, 2025 Decision as being the basis for any extension of time for further discovery, it did not mention anything about discovery from non-party shipper witnesses, instead claiming its right to pursue further discovery against “other parties to the proceeding.”² Because the Board’s definition of “Party” in 49 § CFR 1101.2(d)³ does not include non-party entities that have done no more than file Verified Statements, which is the case herein, and because the Board’s regulations at 49 CFR §§ 1114.26 and 1114.30 providing for interrogatories and requests for production of documents provide that such discovery may only be propounded to a “party,” there is no reasonable or legitimate basis to strike the non-party

¹ In contrast, in January 2024, DSR did propound additional discovery to LPPC, NL & A, and SEAEDD, which they chose to respond to, notwithstanding DSR’s 2021 statement that it deemed discovery to have been completed in 2021.

² “Delta Southern Railroad, Inc.’s Rebuttal to Lake Providence Port Commission’s Substantive Reply” at 6 n.9 (“The Board placed this case in abeyance prior to DSRR completing discovery of other parties to the proceeding, including those who provided verified statements. If this proceeding continues or a new proceeding is filed, DSRR intends to exercise its rights to discovery under 49 C.F.R. § 1114.21(d), including to depositions, in any order on all aspects of 49 U.S.C. 10907(c).”).

³ 49 CFR § 1101.2(d) states in relevant part: “Party means a complainant, defendant, applicant, respondent, protestant, intervener, or petitioner in any proceeding, or other persons permitted or directed by the Board to participate in a proceeding. It will not include persons merely signing certificates of support or witnesses at oral hearing or in modified procedure proceedings, unless they are otherwise a party to the proceeding.”

shippers' Verified Statements because they have asserted their clear right to refuse to respond to interrogatories and requests for production of documents.⁴

In 2021, DSR successfully argued that NL & A should be deemed to be a party to this proceeding because it joined with LPPC in advocating for relief.⁵ Certainly, there was nothing to prevent DSR from making the same argument then with respect to the non-party shipper witnesses that it raised with respect to NL & A or at any point in time after the Amended Application was filed in January 2023. Had it done so, there would be no need at this advanced stage of a proceeding, in which DSR has not yet filed a single Verified Statement of its own that describes its efforts to accommodate any shipper's desire to move its traffic over the entire Corridor or over the 20-mile segment of DSRR's track between MP 471.0 and MP 491.0 that is out of service other than for storage of railcars, to only now consider whether DSR should be able to propound discovery requests to non-party shipper witnesses.

While the Board ruled in DSR's favor in 2021 because NL & A actively took actions such as joining with LPPC in seeking certain relief that supported

⁴ In its cover letters (see Exhibits A, B, and C to the Motion to Compel) to the non-party shipper witnesses, DSR incorrectly informed the witnesses that they are parties to this proceeding. The shippers and their counsel who have responded to DSR's letters and interrogatories and requests for production of documents have correctly noted in response that they are not parties herein.

⁵ Decision served herein on June 1, 2021 at 3-4 ("In these circumstances, the Board finds that NLA has participated as a party in this proceeding and that there is no basis for granting NLA relief from discovery on the ground that it is not a party.") "These circumstances" included joining LPPC and other Project participants in seeking relief herein. *Id.* at 3 ("However, NLA thereafter joined the pleading filed in opposition to DSR's motion to dismiss. (See Project Participants Reply 1, 18, Mar. 5, 2021.)).

the Board's decision to treat it as a party, none of the non-party shipper witnesses⁶ to whom DSR has now propounded interrogatories and requests for production of documents has done anything other than provide sworn testimony to support LPPC's statutory right to file a feeder-line application to acquire ownership of a line of railroad when the rail carrier operating such line refuses to provide adequate service to shippers. Consistent with the provisions of the feeder-line provisions and those at 49 USC § 10705, a shipper unquestionably has the right to receive adequate rail service over an existing through route that will provide adequate, and more efficient or economical, rail transportation.⁷ But it is LPPC, NL & A, and SEAEDD that are pursuing the acquisition of the remaining portion of the Lake Providence Line that they do not own so that the non-party witnesses will receive the adequate, and more efficient and economical transportation that they have the right to enjoy.

The non-party shipper witnesses, of course, have determined that it is their right to invoke the Board's regulations which protect them from the written discovery requests DSR has only now propounded. The invocation of that right precludes any argument that their Verified Statements should be

⁶ The four witnesses are with Complex Chemical Company, Inc., Livingston Pecan & Metal, Inc., Hollybrook Warehouse, Inc., and Epstein Gin Company. Motion to Compel at 2, 12.

⁷ The shippers' unfulfilled need for adequate rail service over the entire Lake Providence Line dates back to cases brought by DSR before the Board beginning in 2004 that destroyed the shippers' ability to use rail service over the entire line that extends from an interchange with Union Pacific at McGehee, AR and an interchange with CPKC at Tallulah, LA.

stricken or that responses to those interrogatories and requests for production of documents should be compelled.

DSR's claims (Motion at 4-7) that the non-party witnesses herein are subject to discovery merely because they are witnesses are baseless. Plainly, the witnesses in a merger proceeding before the Board, or a witness in support of a Complainant's request for rate relief, which are the examples DSR cited in the Motion to Compel, are not **themselves** subject to interrogatories, requests for production of documents, or requests for admissions, as a party is under 49 CFR §§ 1114.26-30. Rather, they could instead be subject to a requirement to appear at a deposition if properly subpoenaed under 49 CFR § 1114.22 (or if produced by agreement without a subpoena); see NOR 42051, *Wisconsin Power & Light Co. v. Union Pacific Railroad Co.* (served June 21, 2000) at 3-4 (witness Crowley was required to appear at deposition and produce documents for that deposition in response to UP's subpoena duces tecum).⁸

In addition, DSR cites (Motion at 4-5) FD 32760, *Union Pac. Corp., Union Pac. R.R. Co.—Control and Merger—South. Pac. Rail Corp., et al.* (STB decided May 4, 2007, served May 7, 2007), but that decision does not support its position. It merely provides (slip op. at 2) that written discovery may be propounded **to the parties**, not the witnesses. In contrast, it also provides for production of "witness workpapers," clearly reflecting the Board's recognition of the difference for discovery purposes of parties versus non-party witnesses.

⁸ It is noted that unlike a non-party consultant such as witness Crowley, who of course is compensated for his work, the non-party shipper witnesses herein have not been compensated for their testimony.

In addition to DSR's reference to the foregoing decision, it also incompletely cites (Motion to Strike at 11) "*Ballard, at 1*" and *Ballard* , at *4-6". It is assumed that DSR is referring to the Board's decision in *Ballard Terminal Railroad Company, L.L.C.—Acquisition and Operation Exemption—Woodinville Subdivision*, FD 35731 (STB served August 22, 2013). As explained therein at 2:

On June 12, 2013, the City filed an emergency motion requesting the Board to issue an order compelling **Ballard to produce documents requested in discovery**, and **subpoenas** directing third parties Eastside Community Rail, LLC (ECR) and its Managing Director, Mr. Engle,* to produce certain communications. (*Footnote omitted, emphasis added).

Plainly, unlike Ballard, the non-party shipper witnesses are not parties herein. Moreover, the "third parties" there, ECR and Mr. Engle, were directed to produce documents in response to **subpoenas, not written requests for production of documents**. *Ballard* at 5-6. Hence, the decision in *Ballard* does not support DSR's efforts to compel responses by the non-party witnesses to interrogatories and requests for production of documents.

In addition, DSR cites the decision of the Board, issued by the Director of the Office of Proceedings, in *Reasonableness of BNSF Railway Company Coal Dust Mitigation Tariff Provisions*, F.D. 35557 (STB served February 27, 2012). In that decision, the Board determined that the individual members of the Western Coal Traffic League (WCTL), who themselves were not parties to the proceeding would be subject to discovery **pursuant to subpoenas** (if agreements about the documents sought could not be obtained), whereas Ameran Missouri would be required to respond to discovery requests as a

party-intervenor. Therefore, the *Coal Dust* decision supports LPPC's position that parties are subject to discovery under interrogatories and requests for production of documents, while non-parties may only be compelled to produce documents pursuant to subpoena.

DSR's Claims of a Lack of Due Process Are Baseless

DSR's argument at Part IV of its Motion to Strike that the Board must strike the non-party shippers' Verified Statements to protect DSR's due process rights should be rejected. At a minimum, DSR's rights to due process – which in LPPC's view only extends to depositions, if properly sought by separate petition for issuance of a subpoena duces tecum to each witness DSR seeks to depose -- must be weighed in comparison with LPPC's, NL &A's, and SEAEDD's First Amendment rights to seek redress of grievances from the Board, on their own behalf and that of the public, and the non-party shippers' statutory rights to receive service over a line of railroad that passes by and attaches to their facilities in Arkansas and Louisiana. The fact that the shippers have been deprived of rail service over the Lake Providence Line between Arkansas and Louisiana has been known to the Board and the U.S. Department of Transportation for many years. Indeed, through the filings herein (and perhaps otherwise) it was also known by Patriot Rail when it chose to acquire DSR and thus inject itself into this pending feeder-line proceeding in 2022.⁹

⁹ As DSR knows, several of the non-party shipper witnesses presented Verified Statements in LPPC's initial Application filed herein in November 2020.

Moreover, there is nothing to suggest that the memories of the non-party shippers who are supporting LPPC's efforts to restore the entire Corridor between McGehee, Arkansas and Tallulah are "faulty." Nor is there anything to suggest that they "might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy."¹⁰

Plainly, non-party shipper witnesses have due process rights to have the Board apply its published regulations that limit the use of discovery, namely the provisions of 49 CFR § 1101.2(d) defining "Party," and the provisions of 49 CFR §§ 1114.26-30 (providing for interrogatories, requests for production of documents, and admissions to be propounded only to parties); compare 49 CFR § 1114.22 (depositions may be taken from "any person, including a party"). Simply put, non-party witnesses are **not** subject to the provisions of 49 CFR §§ 1114.26-30 with respect to interrogatories, requests for production of documents, and requests for admissions.

Nor is there any reason whatsoever for DSR – which has not provided **any** sworn testimony to this point in this protracted proceeding -- to call into question the non-party witnesses' sworn testimony that they have not received any rail service in years over the 20-mile portion (between MP 471.0 at Lake Providence Port and MP 491.0 at Madison Parish Port) of the Line that is

¹⁰ See Motion to Compel at 8, citing *Greene v. McElroy*, 360 U.S 474, 496-98 (1959) ("Where the "evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy," the individual's right to show that it is untrue depends on the rights of confrontation and cross-examination.").

physically attached to their business and which was used in the past to transport their products over the Line. Plainly, the fact is that they have not been able to tender traffic over that the 20-mile portion of the Line between the Lake Providence Port (MP 471.0) and the Madison Parish Port (MP 491.0) between 2004 and 2023 (or later), with the exception of a few months in 2016 and 2017. Those facts are not subject to any debate.

The non-party shipper witnesses are seeking to protect the businesses that either they or their parents or grandparents established years ago when rail service was provided by previous railroads. It was only after Delta Southern Railroad, Inc. was created in 1999 by William Wainwright and his wife that rail service for several of the non-party shippers was terminated.

No “well-tailored” discovery is going to change history. Nor will efforts to intimidate the non-party shipper witnesses with threats of depositions if they do not agree to walk meekly away from their effort to obtain their statutory right to receive adequate rail service instead of having to turn to trucks to move their products to market.

The Board is also requested to note that after several of the non-party shipper witnesses explained to DSR’s counsel that they are not Parties, DSR sent several of them Notices of Deposition that would be held either at the Pine Bluff Public Library, 600 S Main St, Pine Bluff, AR 71601 or at COPELAND Court Reporters, 1707 Royal Avenue, Monroe, Louisiana. The targeted shippers were Mr. Robert N. Amacker, the person who filed a Verified Statement for Hollybrook Warehouse, whose office is located in Lake Providence, Louisiana;

Mr. Blake Livingston, the Vice-President of Livingston Pecan & Metals, Inc., whose office is located in Lake Village, Arkansas; and Mr. Sam E. Angel, II, the owner of Epstein Gin Co. and Epstein Transloading, whose offices are located in Lake Village, Arkansas. Although LPPC must leave it to the above individuals to object to the locations specified in the Notices, LPPC notes that the Board's regulation 49 CFR § 1114.23 specifically provides that "[u]nless otherwise ordered or agreed to by stipulation, depositions should be taken in the city or municipality where the deponent is located." DSR's Notices of Deposition, which are attached collectively as Exhibit 1, are not consistent with the cited regulation.

In addition, DSR has not moved – at least yet -- for issuance of a subpoena duces tecum for Ms. Missy Courtwright, the Office Manager of Arkansas Short Line Railroad Inc. (the owner of NL & A), but DSR did issue a Notice of Deposition for her for December 18, 2005, which would require her to travel at least 118 miles in each direction from her office in Russellville, AR. See Exhibit 1. Not only is Ms. Courtwright not an officer of NL & A, she has not submitted a Verified Statement, nor does she have any authority to set any policy for NL & A or Arkansas Short Line Railroad, Inc.

We raise these points just to illustrate the individual circumstances that may arise when a person's deposition testimony is sought via notice at a location other than where they are located. Such personal circumstances must be taken into consideration. Otherwise, the Board's regulation at 49 CFR § 1114.23(a) may, as is the case in this instance, be violated.

Reply to Motion for Subpoenas Duces Tecum

In its Conclusion, Motion at 12) DSR insists that “the verified statements of each of Livingston, Complex, Hollybrook, and Epstein, should be struck from the record.” In the alternative, if the Board does not strike “LPPC’s witnesses’ statements,” DSR contends that “the Board must grant the motion to compel or issue the subpoenas duces tecum.”

The foregoing listing conflicts with DSR’s prior statement (Motion at 1) that it was seeking to compel from “three witness parties”, namely Livingston, Hollybrook, and Epstein. It then stated (*id.*) that “all four of PPC’s witnesses objected to discovery and refused to respond.” DSR then claims that “[o]n October 22, 2025, DSRR served notices of deposition on four individuals.” As Attachment A reflects, Missy Courtwright was one of the four individuals. The other individuals were identified as representatives of “Livingston, Hollybrook, and Epstein.”¹¹

In any event, **each** non-party witness should be the subject of a **separate** petition for such a subpoena, because each such witness may have his or her own grounds for its response to such a petition, including whether the documents required to be produced at deposition pursuant to the subpoena may be excessive. *See, e.g.,* NOR 42051, *Wisconsin Power & Light Co. v. Union Pacific Railroad Co.* (STB served June 21, 2000), slip op. at 3-4 (discussion of narrowing scope of documents to be produced under subpoena duces tecum to a particular witness); *Coal Dust, supra*, at 3-5 (discussing potential issuance of

¹¹ Motion to Compel at 2.

subpoenas, plural, to each of the Member Organizations there at issue). That is the best and only way to allow the individuals, as well as parties herein such as LPPC, NL & A, and SEAEDD, to raise appropriate issues with regard to timing, scope, relevance, and burdensomeness of the specific testimony sought, and the specific documents that may be required to be produced at deposition, under **each** separate subpoena duces tecum.¹²

¹² LPPC strongly disagrees with DSR's claim (Motion to Compel at 12) that "honest answers to two interrogatories make the discovery self-limiting and even less burdensome." Why would any of the non-party witnesses, who have testified generally that DSR's service was not adequate (at least with regard to the 20-mile portion of the Line between MP 471.0 and MP 491.0, which has been used for storage, not transportation (except perhaps for a few months in 2016-17, and except for movement of one Schnabel car), of railcars for the last several years, and still is being used for railcar storage), agree to change their testimony and agree to respond simply "no" to Interrogatory No. 2, which (in the case of Epstein) asks, notwithstanding Mr. Angel's Verified Statement (cited in January 3, 2023 Amended Application at 64), "Is it Epstein's position the DSR has not provided adequate service upon a request for rail service, yes or no?" The same would be true of a "no" response to Interrogatory No. 5, which asks, "Is it Epstein's position the NLA has not provided adequate service upon a request for rail service, yes or no?" What is clear from DSR's October 13, 2025 letters to the non-party witnesses is that DSR is attempting to procure false or misleading "no" answers to the subject interrogatories to entice the witnesses to avoid having to respond to its burdensome interrogatories and requests for production of documents that seek to require them to produce documents that are as much as 33 years old. Plainly, DSR's due process rights do not extend to attempting to procure false or misleading testimony or to mislead the non-party witnesses into responding to the October 13, 2025 written discovery requests by claiming that they are parties to the proceeding merely because they filed Verified Statements. DSR's efforts to convince the non-party shipper witnesses that they are parties to this proceeding and thus supposedly obliged to respond to its October 13, 2025 written discovery requests, and its pending Motion to Compel, are abuses of legal process that the Board should not countenance.

Conclusion

The Board should deny DSR's November 19, 2025 "Motion to Strike and in the Alternative to Compel or for a Subpoena Duces Tecum." If DSR seeks subpoenas duces tecum for the four non-party shipper witnesses identified in Exhibits A-D of the Motion to Compel, or any other person, it should be required to file a separate petition for issuance of such a subpoena as to each separate witness, so that the witness's rights can be fully protected and so that LPPC, NL&A, and SEAEDD also can be heard as to the propriety of each such subpoena, including whether the scope of documents sought to be produced at deposition are appropriate or excessive.

Respectfully submitted,

Richard H. Streeter

Michael F. McBride

/s/Richard H. Streeter

/s/Michael F. McBride

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Attorneys

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P: 540.983.9329

F: 540.983.9400

October 22, 2025

Via Federal Express

Mr. Robert N. Amacker, Jr.
10971 Hwy 65 South
Lake Providence, Louisiana 71254

Re: **LAKE PROVIDENCE PORT COMMISSION – FEEDER LINE
APPLICATION – LINE OF DELTA SOUTHERN RAILROAD LOCATED
IN EAST CARROLL AND MADISON PARISHES, LOUISIANA.**

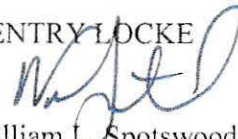
Dear Mr. Amacker:

Enclosed is a Notice of Deposition confirming the deposition of Robert N. Amacker, Jr. on December 15, 2025, at 10:00 a.m. (Central Time) This deposition is taking place at COPELAND Court Reporters, 1707 Royal Avenue, Monroe, Louisiana 71201.

We look forward to seeing you in the very near future.

Very truly yours,

GENTRY LOCKE


William L. Spotswood

WLS:lal
Enclosure

c: Noah P. Sullivan, Esq.
Richard H. Streeter, Esq.
Michael F. McBride, Esq.
Thomas D. Crowley, Esq.



GENTRY LOCKE
Attorneys

William L. Spotswood

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P: 540.983.9329

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October 22, 2025

Via Federal Express

Mr. Blake Livingston
219 Commerce Street
Lake Village, Arkansas 71653

Re: **LAKE PROVIDENCE PORT COMMISSION – FEEDER LINE
APPLICATION – LINE OF DELTA SOUTHERN RAILROAD LOCATED
IN EAST CARROLL AND MADISON PARISHES, LOUISIANA.**

Dear Mr. Livingston:

Enclosed is a Notice of Deposition confirming the deposition of Blake Livingston on December 17, 2025, at 10:00 a.m. (Central Time) This deposition is taking place at Pine Bluff Public Library, 600 S Main St, Pine Bluff, AR 71601.

We look forward to seeing you in the very near future.

Very truly yours,

GENTRY LOCKE


William L. Spotswood

WLS:lal
Enclosure

c: **Noah P. Sullivan, Esq.**
Richard H. Streeter, Esq.
Michael F. McBride, Esq.
Thomas D. Crowley, Esq.



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F: 540.983.9400

October 22, 2025

Via Federal Express

Mr. Sam E. Angel II
537 Reynolds Street
Lake Village, Arkansas 71653

Re: **LAKE PROVIDENCE PORT COMMISSION – FEEDER LINE
APPLICATION – LINE OF DELTA SOUTHERN RAILROAD LOCATED
IN EAST CARROLL AND MADISON PARISHES, LOUISIANA.**

Dear Mr. Angel:

Enclosed is a Notice of Deposition confirming the deposition of Sam E. Angel II on December 16, 2025, at 10:00 a.m. (Central Time) This deposition is taking place at Pine Bluff Public Library, 600 S Main St, Pine Bluff, Arkansas 71601.

We look forward to seeing you in the very near future.

Very truly yours,

GENTRY LOCKE


William L. Spotswood

WLS:lal
Enclosure

c: Noah P. Sullivan, Esq.
Richard H. Streeter, Esq.
Michael F. McBride, Esq.
Thomas D. Crowley, Esq.



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October 22, 2025

Via E-Mail – billing@drrailroad.com

Ms. Missy Courtwright
4416 S. Arkansas Ave.
Russellville, Arkansas 72802

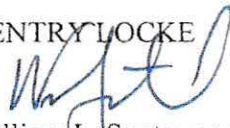
Re: **LAKE PROVIDENCE PORT COMMISSION – FEEDER LINE
APPLICATION – LINE OF DELTA SOUTHERN RAILROAD LOCATED
IN EAST CARROLL AND MADISON PARISHES, LOUISIANA.**

Dear Ms. Courtwright:

Enclosed is a Notice of Deposition confirming the deposition of Missy Courtwright on December 18, 2025, at 10:00 a.m. (Central Time) This deposition is taking place at Pine Bluff Public Library, 600 S Main St, Pine Bluff, Arkansas 71601.

We look forward to seeing you in the very near future.

Very truly yours,

GENTRY LOCKE

William L. Spotswood

WLS:lal
Enclosure

c: Noah P. Sullivan, Esq.
Richard H. Streeter, Esq.
Michael F. McBride, Esq.
Thomas D. Crowley, Esq.

Certificate of Service

I, Richard H. Streeter, do hereby certify that, on November 24, 2025, true copies of the foregoing with attachments were served on the following Parties of Record, and other entities listed below, via email:

Delta Southern Railroad, Inc. (the owning railroad)
c/o John M. Scheib scheib@gentrylocke.com. and
Noah P. Sullivan NSullivan@gentrylocke.com.

Thomas D. Crowley at tc@lepeabody.com

In addition, true copies were served, consistent with 49 C.F.R. § 1152.1(a) on the following:

- (1) All rail patrons who originated and/or received traffic on the line during The 12-month period preceding the month in which the amended application was filed:

Jose Hernandez
Helena Chemical/South Delta Fertilizer
hernandezj@helenaagri.com

Dan Militaru
Rail Vehicle Services
dan.militaru@railcarco.com

Jerry J. Melton
Complex Chemical Co.
jmelton@complexchemical.com

Neil Martin
Terral River Service, Inc.
nmartin@terralriverservice.com

- (2) The designated State agency in the State where the property is located:

Louisiana Department of Transportation and Development
andrew.barry@la.gov
sanettria.pleasant2@la.gov

- (3) County governments where the line is located:

East Carroll Parish Police Jury
Kendall Thompson, President
ecpj400@att.net

Madison Parish Police Jury
Jane Sanders, President
msmith_mppj@bellsouth.net

In addition, true copies are being served via email on the attorneys that have notified counsel that they are representing the non-parties that submitted Verified Statements in this proceeding:

William L. Mencer
Attorney for Epstein Gin
william@mencerlaw.com

Glover Alcorn "Russ" Russel, Jr., ID, LLM, CPA
Attorney for Complex Chemical
russ@gloverrussell.com

Jacob A. Brister
Brister Law Firm, APLC
Attorney for Hollybrook Warehouse
jacob@bristerlaw.com

Ernesto Andre Silva Cruz, Esq., LLM
Attorney for Terral River Services
ernestoc@terralriverservice.com

True copies are being served via email on Mr. Blake Livingston, Vice President of Livingston Pecan & Metals, Inc., 219 Commerce Street, Lake Village, Arkansas 71653, who is a non-party witness who filed a Verified Statement, but has not yet hired an attorney as of this date, at
blake_livingston@sbcglobal.net

Furthermore, true copies are being served via email on Chris Arnold, who is the attorney who has notified counsel that he will be representing Ms. Missy Courtwright, who is not a party of record and who has not filed a Verified Statement in this proceeding. His email address is carnold@hope-lawyers.com.

Richard H. Streeter

/s/ Richard H. Streeter

Counsel to Lake Providence Port Commission