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ENTERED
Office of Chief Counsel
December 9, 2025
Part of
Public Record

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December 9, 2025

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**Re: FD 36447, Lake Providence Port Commission - Feeder Line Application -
Line of Delta Southern Railroad Located in East Carroll and Madison
Parishes, LA**

Dear Sir or Madam:

I represent Hollybrook Warehouse, Inc. and its President, Robert N. Amacker, Jr., who provided a Verified Statement herein. Please accept this letter as a brief reply to Delta Southern Railroad, Inc.'s "Motion to Strike and Compel and in the Alternative Motion to Compel or for a Subpoena Duces Tecum" (docketed by the STB as "Motion to Compel") filed in the above-referenced proceeding by Delta Southern Railroad, Inc. ("**DSR**") on November 19, 2025. While the Motion to Compel seeks to compel Mr. Amacker to respond to DSR's written discovery requests or appear for a deposition in response to a subpoena duces tecum (the specific terms of which are not provided by DSR), I submit that DSR has failed to comply with the governing regulations of the Surface Transportation Board ("**Board**" or "**STB**").

As I have notified the attorney for DSR, neither Hollybrook Warehouse, Inc. nor Mr. Amacker are parties to the above-referenced feeder line proceeding brought by the Lake Providence Port Commission ("**LPPC**"). My conclusion that Mr. Amacker is **not a party herein and therefore is not subject to the requirement to respond to such interrogatories and requests for production of documents** is consistent with the Board's definition of "party" at 49 CFR § 1101.2(d). Mr. Amacker is merely a non-party witness, not a party, and under the Board's rules, cannot be compelled to respond to the written interrogatories or other such discovery requests. Only parties may be compelled to respond to interrogatories and requests for production of documents **under the provisions of 49 CFR §§ 1114.26 and 1114.30**. Therefore, as the undersigned counsel for Mr. Mr. Amacker, I informed Mr. Spotswood and Mr. Scheib that

Mr. Mr. Amacker would **not** be responding to the interrogatories and requests for production of documents.

Because Mr. Amacker is not a party, he will **not** be participating in or responding to this Notice of Deposition. Mr. Amacker simply provided a verified statement expressing the inadequate rail service he had witnessed as a business owner along the railway. That brief statement is attached hereto and made a part hereof. Until such time as a subpoena or similar court order is obtained by DSR, Mr. Amacker should **not** and will **not** participate in Depositions.

In addition, DSR's Motion to Compel, requesting that the Board issue a subpoena duces tecum to Mr. Amacker, is improper because DSR has not provided Mr. Amacker with an individual opportunity to address any concerns he may have with the specific terms of DSR's proposed subpoena duces tecum (which, as noted above, DSR has not provided), including the date, location, duration, documents demanded that Mr. Amacker produce, relevance, and privilege claims (if any). After all, Mr. Amacker obviously has other obligations with his business and personal life this time of year surrounding the holidays. Therefore, Mr. Amacker urges the Board to compel DSR to comply with its rules and case law, which allow a witness who has been subpoenaed to raise specific objections, as LPPC has cited in its November 24, 2025 Reply.

What's more, as discussed above, as a non-party witness, Mr. Amacker should not be required to respond to DSR's interrogatories and requests for production of documents. Moreover, if DSR continues to seek to depose Mr. Amacker, it should only be after DSR files a **separate** petition for issuance of a subpoena duces tecum to Mr. Amacker, with sufficient opportunity for Mr. Amacker to reply to the petition with any objections he may have to the subpoena, including as to timing, location, burden, applicable privileges (if any), and any other factors that Mr. Amacker may reasonably raise for determination before he is required to appear at such a deposition.

Finally, while Mr. Amacker does not wish to delay this proceeding, he respectfully urges the Board, if a deposition is required, to set a date that is after the holiday season. We do not believe that should cause any delay, because we understand that DSR will have the opportunity to respond to LPPC's Amended Application within sixty (60) days after Federal Register Notice of the procedural schedule.

We thank the Board in advance for its consideration of these arguments and concerns with DSR's Motion to Compel, directed as it is to non-party witnesses such as Mr. Amacker and the other non-party witnesses.

Respectfully submitted,

/s/ *Kenneth A. "Andy" Brister*

Attorney for Hollybrook Warehouse, Inc.

Cc: All persons on the Service List in FD 36447

**Before the
SURFACE TRANSPORTATION BOARD**

STB Docket FD No. 36447

**Lake Providence Port Commission—Feeder Line Application--LINE OF
DELTA SOUTHERN RAILROAD LOCATED IN EAST CARROLL AND
MADISON PARISHES, LOUISIANA**

VERIFIED STATEMENT OF ROBERT N. AMACKER JR.

1. My name is Robert N. Amacker Jr.. I am the President of Hollybrook Warehouse, Inc. ("Hollybrook"). My address is 10971, Hwy 65 South, Lake Providence, Louisiana 71254. I have personal knowledge of the facts stated herein and am duly authorized to present this Verified State on behalf of Hollybrook.

2. In addition to being employed by Hollybrook, I also serve as the Mayor of Lake Providence. As a result, I am acquainted with the adverse impact that the lack of adequate rail service has had on the entire region over the past 25 years. I have attached a copy of a letter that Hollybrook Warehouse, Inc. filed with the Interstate Commerce Commission ("ICC") in 1988 to protest the Missouri Pacific Railroad's ("MP") proposed abandonment of the entire Lake Providence Branch Line from milepost 408.9 in McGehee, Arkansas to milepost 651.6 at Vidalia. As described in that letter, our customers directed Hollybrook Warehouse not to use MP's service because of the deteriorating and undependable service. As was also detailed, MP's rail service could not be relied

upon when movements were time sensitive. Despite the protests of various shippers, the ICC authorized MP to abandon the entire Line. In response to the ICC's decision, the Lake Providence Port Commission ("LPPC") filed an offer of financial assistance to preserve the Line between McGehee and Tallulah, Louisiana. Because LPPC subsequently agreed to permit Delta Southern Railroad Company ("DSRC") to acquire the Line, LPPC did not acquire ownership of the Line at that time.

3. Before turning to Delta Southern Railroad, Inc. ("DSRR"), I will first explain some corporate changes that have occurred since 1988. Hollybrook Warehouse was started in 1971 by Jack Hamilton and my father. Jack Hamilton was president of the warehouse from its beginning until his death in 2001. When he died, I became president and am still president to this day. When we sold Hollybrook Gin in 2006, the name was changed from Hollybrook Gin, Inc. to Hollybrook Enterprises, LLC. Hollybrook Enterprises owns a cotton gin, a grain facility, and 25% of the stock of Hollybrook Warehouse, Inc. Three other gins each own a 25% interest in the warehouse.

4. In 1999, DSRC sold the Line to William Wainwright, who had managed DSRC's operations as its President for the previous ten years. To acquire the Line, Mr. Wainwright and his wife incorporated a new railroad that was named Delta Southern Railroad, Inc. ("DSRR"). However, instead of providing adequate rail service, Wainwright allowed the Line to deteriorate to the point that it could not be safely operated. In 2004, he started seeking authority to abandon various segments of the line north of Lake Providence.

This prevented Hollybrook from using rail service to ship railcars directly to the Union Pacific Railroad Company ("UP") in McGehee. Furthermore, DSRR began to store several hundred railcars on the track to the south of Hollybrook's facilities, which are located at milepost 474.0 and 475.0. Because DSRR could not efficiently operate to the north due to the deteriorated track north of milepost 471.0, all rail traffic ground to a halt.

5. I am aware that in 2015, Wainwright sold the stock of DSRR to an entity that is based in San Francisco. That sale did not improve rail service for Hollybrook. Even though Craig Huff, DSRR's General Manager, and Danny Robbins approached Hollybrook in late 2015 or early 2016 with the promise that things would improve under the new owners, nothing changed. Since their visit, I have not had any further contact with DSRR. Nor was I ever made aware of any work being done on the track, which had previously been used to move railcars to the two spur tracks that were used to receive and ship cotton, cotton seed, and grains. I must note that DSRR, or some other entity that it hired, has recently engaged in some maintenance activities on its track. I must presume that those activities are intended to support DSRR's opposition to the Feeder Line Application that LPPC has filed to acquire the track.

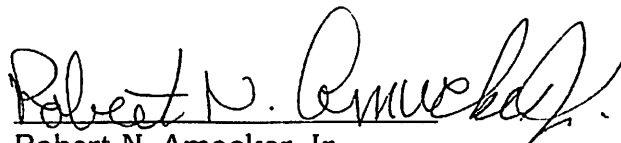
6. I am aware that the United State Department of Transportation ("DOT"), in 2019, awarded the owners of the entire line over \$10.5 million to be used to restore adequate rail service. I have also learned that DSRR's owners refused to commit to use any of those funds to restore the section of the Line that would be used to provide service to Hollybrook. Because I fully agree with

DOT's conclusion that the rebuilding of the entire Line between McGehee and Tallulah and the restoration of reliable rail service will help catalyze greater opportunities for economic development in the region, Hollybrook fully supports LPPC's Feeder Line Application. If the Line is fully upgraded and future rail service is reliable, Hollybrook and other entities in and around Lake Providence will reduce their forced reliance on trucking and once again make full use of rail service. The return to rail service will not only reduce the cost of transportation but will reduce the wear and tear on the highways in the region and the air pollution associated with trucking.

VERIFICATION

I, Robert N. Amacker, Jr. declare under penalty of perjury that the foregoing is based on my personal knowledge and is true and correct.

Executed on December 31, 2022.


Robert N. Amacker Jr.