

Surface Transportation Board

ENTERED
Office of Chief Counsel
December 16, 2025
Part of
Public Record

Docket No. FD 36447

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

MOTION OF LAKE PROVIDENCE PORT COMMISSION TO COMPEL
SUPPLEMENTATION OF RESPONSES TO LPPC’S DOCUMENT REQUESTS

This proceeding involves an amended feeder-line Application filed by Lake Providence Port Commission (“LPPC”) with the Surface Transportation Board (“STB” or “Board”) under 49 USC § 10907 and 49 CFR Part 1151 to acquire the portion of the McGehee-Tallulah, LA rail corridor¹ owned by Delta Southern Railroad, Inc. (“DSR”), a Class III rail carrier, for STB-determined compensation.

Pursuant to 49 CFR §§ 1114.29 and 1114.30, LPPC hereby moves for an order requiring supplementation by DSR of its previous production of documents in response to LPPC’s requests for production of documents.

In its decisions served herein on November 20, 2023 and December 11, 2023, the STB conditionally accepted LPPC’s amended Application, but, due to the passage of time, the STB provided LPPC with an opportunity to pursue discovery of DSR to update its previously filed valuation testimony.

Accordingly, on December 16, 2023, LPPC propounded interrogatories and requests for production of documents on DSR, including for DSR’s costs, revenues, traffic volumes, commodity types, and other shipment-specific information maintained in the ordinary course of business by railroads,

¹ The McGehee-Tallulah rail corridor extends from milepost (“MP”) 408.9 in McGehee, AR, where it connects with Union Pacific Railroad Company, south to MP 498.44 in Tallulah, LA, where it connects with Canadian Pacific Kansas City Limited. DSR owns and operates the southernmost segment of the corridor, from MP 471.0 at Lake Providence, LA, south to the connection with CPKC at MP 498.44 in Tallulah. See STB FD 36447 decision (served December 12, 2025) at p. 1 n.2 herein.

including DSR. See Attachment 1 (which is a red-lined markup of DSR's responses to those Interrogatories and Requests for Production of Documents from LPPC's expert witnesses, Mr. Thomas D. Crowley and Ms. Christena Nielsen of L.E. Peabody & Associates, Inc. Mr. Crowley and Ms. Nielsen explain, in their red-line comments interspersed with DSR's responses from February 2024, what they need DSR to supplement, and why, in order to provide the most current and accurate valuation testimony they can provide herein.).

As Attachment 1 states, DSR, on a rolling basis, produced documents in response to LPPC's requests, through February 2024. However, DSR has not provided supplemental responses thereafter.

Relying substantially on DSR's records as well as STB regulations and precedents, LPPC's expert witnesses for purposes of valuation of DSR's portion of the McGehee-Tallulah rail corridor, Mr. Crowley and Ms. Nielsen prepared valuation testimony filed herein, most recently on July 5, 2024. Mr. Crowley and Ms. Nielsen relied on the most recent financial and traffic information available to them, which included complete records through FY 2023.

Thereafter, because of a motion to dismiss filed by DSR, in August 2024, the STB put the proceeding into abeyance. The abeyance was lifted by STB order issued on September 25, 2025. So, as a result of DSR's actions, LPPC's expert valuation testimony, while accurate, may need to be updated to provide the Board with the most-recent information available to determine the proper valuation of DSR's portion of the McGehee-Tallulah rail line.

Due to the passage of time, DSR will of necessity have more recent financial and traffic records, presumably at least through FY 2024. LPPC's experts have provided LPPC's counsel with a red-lined markup of DSR's responses to LPPC's Interrogatories and Requests for Production of Documents describing the information they require to update their testimony and that DSR presumably has in its possession.

In its September 25, 2025 decision, the STB directed counsel for LPPC and DSR to meet and confer with regard to the procedural schedule in this proceeding and any discovery-related matters that needed to be discussed. Three such meet-and-confer sessions were held in October 2025. At one of those sessions, LPPC's counsel requested that DSR's counsel update DSR production of documents in response to LPPC's requests for production of documents. DSR's counsel refused.

The STB, of course, relies on the most accurate and up-to-date records and data available to it in determining such matters as the proper valuation to be assigned to a line of railroad, in whatever context that valuation may be relevant.² Obviously, such up-to-date records and data are particularly important in determining the amount that a feeder-line applicant must pay for a rail line that the STB orders transferred in response to such a feeder-line application. It is inexplicable that DSR's counsel would refuse to update its responses to LPPC's interrogatories and document requests, which LPPC believes is required by 49 CFR §§ 1114.29 and 1114.30.

This is particularly important if DSR, when it finally files its Response to LPPC's amended Application, provides expert valuation testimony in response to LPPC's valuation testimony. LPPC must have available to it and its experts DSR's most recent records and data relevant to the valuation determination that DSR may provide, for its Rebuttal to DSR's Response and (presumed) expert valuation testimony. That Rebuttal will be due within 20-30 days of the filing of DSR's Response to the amended Application, leaving little or no time to conduct discovery anew at that time. Rather, LPPC's experts need the updated responses from DSR before that time, so there is no further delay in concluding this proceeding (**which has been ongoing for over five years**).

Conclusion

Accordingly, LPPC hereby moves for an order compelling DSR to provide LPPC, within 30 days, with its more recent financial and traffic-related documents responsive to LPPC's updated requests for production of documents.

LPPC regrets that it was necessary to file this Motion. In LPPC's view, DSR's obligation to supplement its previous document production is clear and should have been obvious to DSR's counsel. DSR's refusal to supplement, to

² For example, in this very proceeding, when the Board conditionally accepted the amended Application, it provided LPPC with an opportunity to take discovery from DSR in order to update its valuation testimony, if need be. FD 36447 decision (served Nov. 20, 2023), slip op. at 14 ("Similarly, as LPPC explains here, it seeks discovery 'that will allow L.E. Peabody, Inc., to verify or adjust its calculation of the constitutional minimum value' of the Line. (LPPC Mot. 5, Feb. 9, 2023.) This opportunity will be provided at the outset, which should help minimize or eliminate the need for LPPC to adjust its calculations later because it lacked access to DSR's internal valuation information.").

provide LPPC and its experts with its most recent financial and other traffic-related documents was and is inexplicable.

Respectfully submitted,

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Certificate of Service

I, Richard H. Streeter, do hereby certify that, on December 16, 2025, true copies of the foregoing with attachments were served on the following Parties of Record, via email:

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

ALJ Jenifer Soulikias alf.soulikias.inbox@stb.gov

Timothy Crowley at tim@lepeabody.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:

mark.marionneaux@keanmiller.com

bryant.bremer@keanmiller.com

Counsel for Helena Chemical/South Delta Fertilizer

Dan Militaru
Rail Vehicle Services
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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

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Port Commission

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket 36447

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

**RESPONDENT DELTA SOUTHERN RAILROAD, INC. RESPONSES TO
LAKE PROVIDENCE PORT COMMISSION'S SECOND SET OF
INTERROGATORIES AND DISCOVERY REQUESTS**

Pursuant to 49 CFR Part 1114 and other applicable rules and authority, Delta Southern Railroad, Inc. ("DSRR"), by counsel, responds as follows to Lake Providence Port Commission's ("LPPC") (collectively the "Parties") Second Set of Interrogatories and Discovery Requests ("Discovery Requests") served on December 12, 2023. By order of the Board, the Parties were directed to "meet and confer on the scope of discovery necessary for LPPC to develop a sound valuation assessment," and to report to an appointed administrative law judge on any issues that could not be resolved by agreement. Decision Order at 14 (Nov. 20, 2023) ("November 20 Order"). LPPC served the Second Discovery Requests after the Board conditionally accepted LPPC's amended feeder line application.

Pursuant to the Board's January 10, 2024 order, the Parties agreed that DSRR would engage in a rolling-production process to assist in resolving any disputes without motions practice. LPPC is to substantially complete its productions by February 26, 2024. For the next 30 days, LPPC will then review the responses and the Parties will engage in any further meet-and-confer process needed to agree on the scope of any further valuation discovery needed by LPPC.

Accordingly, this supplemental response provides formal responses to the Discovery Requests

to which DSRR did not object to (or only partially objected to). These documents were identified after a thorough search of relevant corporate records after consultation with DSRR. DSRR's efforts to provide LPPC with valuation discovery have included a manual search of comprehensive corporate records maintained in an electronic data room, as well as sending two attorneys (one in-house and one outside counsel) from their respective homes to Tallulah, Louisiana, where DSRR is headquartered. There, DSRR identified hardcopy documents that could potentially be responsive to some of LPPC's Discovery Requests.

As discussed in the Parties' discovery conference on February 14 and 16, 2024, DSRR may produce additional responsive documents after February 26, 2024. DSRR is in the process of reviewing hardcopy documents that needed to be scanned and then uploaded for review from DSRR's in-person, attorney-conducted document collection efforts. Many of these documents may be duplicative of electronic versions of the documents already produced. DSRR does not anticipate any remaining productions from these materials to add significant information to what has already been produced, and considers its productions substantially complete.

DSRR is also providing as an attachment to these supplemental responses a production log to indicate, for each document produced (identified by Bates Number) to which discovery request it is responsive. This Excel file is in a table format that can be searched or sorted, for ease of reference. DSRR is providing this in lieu of identifying, in its written responses below, which documents were produced for each request. This information is provided based on DSRR's good faith effort to review and identify responsive documents and to code them by request. So some of the information contained in the production log, therefore, may be under-inclusive.

GENERAL OBJECTIONS

DSRR's General Objections, set forth herein, apply to each and every one of the specific Interrogatories and Discovery Requests that follow. These general objections are not exhaustive and, where appropriate, DSRR will also state specific objections. DSRR's objections shall not waive,

limit, or prejudice any objections it may later assert.

1. DSRR objects to each and every Interrogatory and Discovery Request to the extent they seek to impose obligations on DSRR greater than or inconsistent with those imposed under 49 CFR Part 1114 Subpart B. DSRR further objects to any and all definitions and or instructions to the extent they either expand upon or conflict with 49 CFR Part 1114 Subpart B.
2. DSRR objects to these Interrogatories and Discovery Requests insofar as they purport to conclude that net liquidation value is the appropriate standard for DSRR.
3. DSRR objects to each and every Interrogatory and Discovery Request to the extent it seeks materials protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, protection or exception from discovery or disclosure. In the event that any such privileged, protected, or exempt information is inadvertently produced or provided, such disclosure or production is not intended as, and should not be construed as, a waiver of any applicable privilege, protection or exemption.
4. DSRR objects to each and every Interrogatory and Discovery Request to the extent it seeks information or data that is not relevant to the subject matter of this proceeding, or not within the scope of permissible discovery pursuant to the November 20 Order.
5. DSRR objects to each and every Interrogatory to the extent it asks for inappropriate legal conclusions, including conclusions as to the legal significance of underlying facts.
6. DSRR objects to each and every Interrogatory and Discovery Request to the extent that it is: (a) overly broad; (b) vague and/or ambiguous; (c) fails to describe with reasonable particularity the information sought; (d) seeks information that is not within the possession, custody, or control of DSRR; (e) would impose an undue burden that outweighs any relevance or probative value the information sought may have in this proceeding; or (f) would require DSRR to conduct a special study.

7. DSRR objects to each and every Interrogatory and Discovery Request to the extent it is duplicative.

8. DSRR objects to each and every Interrogatory and Discovery Request to the extent it requests information or material that is: (a) already in the possession of LPPC; (b) publicly available or otherwise readily available or accessible to LPPC from other sources; or (c) as accessible or available to LPPC as it is to DSRR and producing responsive information would impose substantially the same or greater burden on DSRR as it would impose on LPPC.

9. These general objections are incorporated by reference into the following responses.

SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 1

Please identify and describe in detail the manner in which DSRR currently provides service for the Line Segment, including the number of employees, agents or contractors assigned to each portion of line broken down into categories such as Transportation, Maintenance of Way, Maintenance of Equipment, General & Administrative and Marketing.

Objection: DSRR does not object to Interrogatory No. 1.

Response: DSRR operates two branch-lines in Louisiana, the Lake Providence Branch line (referred to as the Line Segment in these requests), and the Sterlington branch. DSRR has its main corporate office in Tallulah, Louisiana, which is along the Line Segment. As related to the Line Segment, DSRR provides as-needed bi-weekly train operating services to clients at the Madison Parish Port on Mondays and Wednesdays. DSRR employs four full-time employees to operate and maintain the Line Segment. These employees split their time between the branches based on a general schedule. Per that general schedule, train service runs on the Line Segment on Mondays and Wednesdays, and otherwise as needed to serve customers. At Sterlington, Tuesday and Thursdays, and otherwise as needed to serve customers. Other days (and when there is no service scheduled) are used for track and equipment maintenance. Train services remain available outside of the above weekdays per customer requests. For more intensive track maintenance, DSRR bids out the work and utilizes third-party contractors on an as-needed basis.

Since acquiring DSRR, Patriot Rail has streamlined administrative processes to increase efficiency. DSRR is able to benefit from Patriot Rail's larger "back-office" staff and technology systems to improve service. For instance, DSRR previously documented train movements and tracked invoices through paper documentation. DSRR administrative work,

including invoicing and scheduling, is now handled electronically by tablets purchased by Patriot Rail for DSRR.

In addition to the four full-time employees, DSRR is able to rely upon the much larger resources and staff of Patriot Rail to provide services on the Line Segment. These services include customer service, marketing, finance and accounting, and human resources. DSRR estimates that four to six full-time staff across these departments are available to assist DSRR as needed.

Absent Patriot Rail bringing the above-stated resources to bear on behalf of DSRR, DSRR would have to staff these functions independently.

Please confirm that the above response is current and that DSRR's position is still as stated.

INTERROGATORY NO. 2

Please provide DSRR Income Statements and Operating Results for the Line Segment for each year from 2017 to the present. Please provide this data for 2024 and Year-to-date 2025.

Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to Interrogatory No. 2

Response: DSRR does not, in the usual course of business, create or receive income statements differentiating the Line Segment from DSRR's other lines. To the extent DSRR income statements for each year from 2017 to the present have been kept in the ordinary course of business, they have been produced. DSRR does not, in the usual course of business, track operating results differentiating the Line Segment from DSRR's other lines. To the extent prior year results have been differentiated in the ordinary course of business, they have been produced.

INTERROGATORY NO. 3

Please describe all categories of revenue received by DSRR associated with the Line Segment. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to Interrogatory No. 3.

Response: DSRR has received the following categories of revenue associated with the Line Segment: freight, demurrage, car storage, and switching. Audited financial statements that have been produced provide additional detail regarding these categories of revenue.

INTERROGATORY NO. 4

Please describe all categories of expense DSRR incurs associated with the Line Segment, including both cash and non-cash expenses. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to Interrogatory No. 4.

Response: DSRR has incurred the following categories of expense associated with the Line Segment: transportation, maintenance of way, maintenance of equipment, depreciation and amortization, and general and administrative. Further information regarding expenses captured within these categories of expense can be found in the financial records produced and described herein.

INTERROGATORY NO. 5

Please describe any derailments that have occurred on the Line Segment since January 1, 2017, including cars per train, cars derailed, shippers impacted, locomotives per train, date, time and location of derailment, and cause of derailment, if known. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to Interrogatory No. 5 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

INTERROGATORY NO. 6

Please provide all costs associated with any derailment identified in Interrogatory No. 5.

Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to Interrogatory No. 6 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information from any derailment will be included in aggregate financial materials which DSRR will provide in due course.

Response:

INTERROGATORY NO. 7

Please describe in detail and provide any projections or forecasts of future traffic volumes and/or revenues on the Line Segment. **Please provide any projections for 2026 and beyond.**

Objection: DSRR does not object to Interrogatory No. 7.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Interrogatory.

INTERROGATORY NO. 8

Please describe all agreements with connecting carriers on the Line Segment for each year from 2017 through year-to-date 2023, including requirements, interchange commitments, payments and definitions. **LPPC would like DSRR to reconsider its position on this issue. Trackage Rights Agreements are required for the development of Going Concern Value. Specifically, they help to determine how many other railroads may operate on the Line Segment, how much the other railroads may operate, the locations in which they may operate and what they pay, if anything, to operate on the Line Segment.**

Objection: DSRR objects to Interrogatory No. 8 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. DSRR's revenues and costs of operations are available in DSRR's financial reports.

Response:

INTERROGATORY NO. 9

Please describe in detail all maintenance work and repair work performed on the Line Segment between 2017 and the present including the exact location and nature of the work performed. **Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.**

Objection: DSRR objects to Interrogatory No. 9 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information from any maintenance and repair work will be included in

aggregate financial materials which DSRR will provide in due course.

Response: DSRR has provided documents containing responsive information in response to RFPs 32, 42, 46, and 53. Please refer to the attached production log to identify particular documents.

INTERROGATORY NO. 10

Please identify all amounts actually expended for track materials for any maintenance performed on the Line Segment between January 1, 2017 and the present. **Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.**

Objection: DSRR objects to Interrogatory No. 10 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information from any maintenance will be included in aggregate financial materials which DSRR will provide in due course.

Response: DSRR has provided documents containing responsive information in response to RFPs 1, 2, 3 and 4. Please refer to the attached production log to identify particular documents.

I. REQUESTS FOR PRODUCTION OF DOCUMENTS

Request for Production No. 1

Please produce DSRR's income statements, profit or loss statements and/or statements of revenues and expenses for the years 2017 through 2022 and year-to-date 2023, including breakout of revenues and expenses by category on the Line Segment. **Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.**

Objection: DSRR does not object to RFP No. 1.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production. As noted above, DSRR has produced the income statements, profit or loss statements, and/or statements of revenues for the years 2017 and through 2023 as they exist in the ordinary course of business.

Request for Production No.2

Please produce documents describing any non-recurring expense items and/or extraordinary items that were included in the income statements, profit or loss statements and/or statements of revenues and expenses provided in response to Request for Production No. 1.

Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to RFP No. 2.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No.3

Please produce DSRR's corporate consolidated statements of financial position or balance sheets for the years 2017 through 2022 and year-to-date 2023. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to RFP No. 3.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No.4

Please produce DSRR corporate statements of cash flow for the years 2017 through 2022 and year-to-date 2023. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to RFP No. 4.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No.5

Please produce copies of all trackage rights agreements entered into by You for the Line Segment and any and all documents and correspondence referring or relating to any trackage rights agreements relating to the Line Segment. LPPC would like DSRR to reconsider its position on this issue. Trackage Rights Agreements are required for the development of Going Concern Value. Specifically, they help to determine how many other railroads may operate on the Line Segment, how much the other railroads may operate, the locations in which they may operate and what they pay, if anything, to operate on the Line Segment.

Objection: DSRR objects to RFP No. 5 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Request for Production No.6

Please produce copies of all documents referring or relating to the total ton-miles of freight moved by DSRR on the Line Segment, and any other measures of DSRR's revenue on the Line Segment, including storage revenue, since 2017 and all documents referring or relating to the costs, including storage costs, incurred by DSRR related to the Line Segment over the same time period. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 6 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No.7

Please produce copies of all documents referring or relating to all transportation services provided by DSRR in response to a request for service over the Line Segment, including but not

limited to, any correspondence between DSRR and past, current or potential future shippers.

Objection: DSRR objects to RFP No. 7 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 8

Please produce copies of all documents referring or relating to the taxes assessed to You due to Your ownership of the Line Segment, including but not limited to all correspondence between You and county, state or Federal representatives referring or relating to any disputes over the assessed taxes and assessed value of the Line Segment's assets. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 8 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No. 9

Please produce all current tariffs that govern traffic on the Line Segment. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to RFP No. 9.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 10

Please produce documents detailing all capital expense projects for the years 2017 through 2022 and year-to-date 2023, including descriptions of the projects on the Line Segment. Please

provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 10 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. DSRR also objects to this RFP because it is vague and ambiguous as to “produce documents detailing all capital expense projects.”

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No. 11

Please produce all current agreements or contracts with any customers on the Line Segment, including car storage agreements. Please provide current rail car storage agreements or indicate whether or not each of the rail car storage agreements provided at DSRR_02181 through DSRR_02365 are still active and if not, when each expired.

Objection: DSRR objects to RFP No. 11 as overly broad and unduly burdensome insofar as it requires production of all agreements or contracts, in any form; as well as to vague and ambiguous as to what constitutes a “current” agreement given the time period of the requests. To the extent the RFP seeks production of forward-looking contracts, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 12

Please produce copies of all documents referring or relating to forecasts of traffic, revenue, or expense data for the Line Segment. Please provide any forecasts for 2026 and beyond.

Objection: DSRR objects to RFP No. 12 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. DSRR also objects to this RFP because it seeks duplicative or cumulative information, as other RFPs seek forecasts of traffic, revenue and expense data for the Line Segment.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No. 13

Please provide documentation for miles, tons, Gross Salvage Value (“GSV”), condition for each weight and type, e.g., jointed, CWR, of rail on the Line Segment. **Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.**

Objection: DSRR objects to RFP No. 13 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 14

Please provide number/amount and condition of all other track material (“OTM”) for the Line Segment. OTM consists of the material required to hold rail in place and includes, but is not limited to, the following: a) Tie Plates; b) Joint Bars; c) Rail Anchors; d) Rail Clips; e) Track Spikes; f) Gauge Rods and g) Bolts and Washers. **Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.**

Objection: DSRR objects to RFP No. 14 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 15

Please provide the number/amount and condition of all cross ties for the Line Segment.

Objection: DSRR objects to RFP No. 15 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 16

Please provide the number/amount and condition of all turnouts, as well as the type and the size of turnout, e.g., 136 lb. No.10 double crossover, 112 lb. No. 10 single crossover, etc., for the Line Segment.

Objection: DSRR objects to RFP No. 16 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: After a reasonable search for responsive documents, DSRR identified no responsive documents kept in the ordinary course of business.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 17

Please provide unit prices and support for all inventory along the Line Segment including, but not limited to: a) Rail; b) Ties; c) Tie Removal; d) Tie Plates; e) Joint Bars; f) Rail Anchors; g) Rail Clips; h) Gauge Bars; i) Spikes; j) Bolts and Washers; k) Turnouts; and l) Scrap. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 17 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing

the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 18

Please provide any studies or estimates that DSRR has on the cost of removal and transportation cost of any track or other material for the Line Segment.

Objection: DSRR does not object to RFP No. 18.

Response: After a thorough search for responsive documents, DSRR identified no responsive documents kept in the ordinary course of business.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 19

Please provide the number/amount, condition, and location of all public and private crossings for the Line Segment. Identify the following for each public or private crossing separately: a) Crossing Type; b) Types of Signals; and c) Party responsible for Maintenance.

Objection: DSRR objects to RFP No. 19 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 20

Please provide the number/amount, condition, and location of all bridges on the Line Segment.

Objection: DSRR objects to RFP No. 20 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive

documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 21

Please provide any studies or estimates DSRR has on the value of the Line Segment Real Estate.

Objection: DSRR objects to RFP No. 21 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: After a thorough search for responsive documents, DSRR identified no responsive documents kept in the ordinary course of business.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 22

Please provide the number and location of non-reversionary acres owned by DSRR along the Line Segment.

Objection: DSRR objects to RFP No. 22 because it does not seek documents with particularity. Notwithstanding general objections, DSRR also objects to this RFP to the extent the RFP calls for a special study. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production. DSRR has produced certain land records that it identified after a reasonable search. To the extent LPPC seeks additional land records, they are equally available to LPPC from publicly available land records.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 23

Please provide any studies or estimates DSRR has on the cost to restore any inactive portions of the Line Segment to Federal Railroad Administration ("FRA") Class 1 or Class 2 status. Studies should include, but not be limited to, costs for the following: a) Vegetation

Removal; b) Crosstie Replacement; c) Ballast Cleaning and Replacement; d) Track Resurfacing; e) Rail Replacement; f) Track and Bridge Inspections; g) Crossing Re-pavement; and h) Communications & Signaling. **Please provide this data for 2024 and Year-to-date 2025.**

Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to RFP No. 23.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 24

Please produce documents, in a computer-readable format to the extent available, which contain complete information (including all events) tracking and describing car, trailer/container, and locomotive movements (including yard and hub operations) for all rail traffic handled by DSRR on the Line Segment during the time period from January 2017 to the present. **Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.** The requested car event information includes, but is not limited to, the following:

- a) Car/Locomotive Initial;
- b) Car/Locomotive Number;
- c) Car Owner (System, Foreign, Private);
- d) Car Tare weight;
- e) Car Lading weight;
- f) Number of loaded intermodal units on flat cars;
- g) Number of empty revenue units on flat cars;
- h) Number of empty non-revenue units on flat cars;
- i) Event Sequence Number;
- j) Year;
- k) Month;
- l) Day;
- m) Unique Train Identification Symbol and/or Number;
- n) Train Date;
- o) Unique Waybill Number;
- p) Waybill Date;

- q) Load/Empty Indicator;
- r) Unique Shipment Identification Number or order number for each intermodal container or trailer;
- s) Actual event date/time stamp for nodal events;
- t) Time zone indicator;
- u) Event type indicator specifying if the event was an arrival, a departure, an intermediate switching/handling event, or an instantaneous time as in the case of a non-swell event (e.g., passing a scanner);
- v) Unique System/Network Location Identifier to include the following:
 - w) Station name;
 - x) City or metropolitan name;
 - y) State name
 - z) SPLC;
 - aa) Latitude and longitude;
 - bb) Engineering Milepost; and
 - cc) Transportation Milepost.
- dd) Trackage Rights Indicator;
- ee) Switching Type Indicator;
- ff) Line Segment Name;
- gg) Direction of Travel;
- hh) Interchange Indicator specifying if the car was received or delivered in interchange;
- ii) Identification of interchange railroad;
- jj) Industry Handling Indicator specifying if the car was pulled from origin or placed at destination;
- kk) Switching Indicator specifying if the car was switched to another train, from another train, or to a different position on the same train;
- ll) Time elapsed at event location;
- mm) Time elapsed between event locations; and
- nn) Miles between event locations.

Objection: DSRR objects to RFP No. 24 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No.25

Please produce complete train movement data, in a computer-readable format to the extent available and including all events and intermediate stations, for all Line Segment traffic handled by DSRR during the time period from January 2017 to the present. **Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.** The

requested train movement information includes, but is not limited to, the following:

- a) Unique Train Identification Symbol and/or Number;
- b) Train Date;
- c) Train Type;
- d) Event Sequence number;
- e) Year;
- f) Month;
- g) Day;
- h) Event date/time stamp;
- i) Time zone indicator;
- j) Event type indicator specifying if the event was an arrival, a departure, an intermediate switching/handling event, or an instantaneous time as in the case of a non-swell event (e.g., passing a scanner);
- k) Event indicator identifying crew change locations;
- l) Event indicator identifying inspection locations;
- m) Event indicator identifying fueling locations;
- n) Unique System/Network Location Identifier to include the following:
 - i. Station name;
 - ii. City or Metropolitan Name;
 - iii. State Name;
 - iv. SPLC;
 - v. Latitude and Longitude; Engineering Milepost; and
 - vi. Transportation Milepost.
- o) Trackage Rights Indicator;
- p) Number of active locomotives arriving at station;
- q) Total Horsepower of all active locomotives arriving at station;
- r) Number of idled locomotives arriving at station;
- s) Number of active locomotives departing station;
- t) Total horsepower of all active locomotives departing station;
- u) Number of idled locomotives departing station;
- v) Number of loaded railcars arriving at station;
- w) Number of empty railcars arriving at station;
- x) Number of loaded railcars departing from station;
- y) Number of empty railcars departing from station;
- z) Number of loaded intermodal units arriving at station;
- aa) Number of loaded intermodal units departing from station;
- bb) Number of empty intermodal units arriving at station;
- cc) Number of empty intermodal units departing from station;
- dd) Switching Indicator;
- ee) Number of cars switched onto train;
- ff) Number of cars switched out of train;
- gg) Line Segment Name;
- hh) Direction of Travel;
- ii) Interchange Indicator specifying if the train was received or delivered in interchange;
- jj) Identification of interchange railroad;

- kk) Industry Handling Indicator specifying if cars were pulled from origin or placed at destination;
- ll) Time elapsed at event location;
- mm) Time elapsed between event locations; and
- nn) Miles between event locations.

Objection: DSRR objects to RFP No. 25 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No. 26

Please produce **current** DSRR and Patriot Rail organization charts which show each DSRR and Patriot Rail management and/or supervisory position, the number of personnel in each position and the relationship or reporting authority and relative rank of each position. Please include organizational charts which include, but are not limited to, positions related to train operations, yard operations, maintenance of way, maintenance of equipment, engineering, and general and administrative functions.

Objection: DSRR does not object to RFP No. 26.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 27

Please produce current operating timetables (including special instructions and/or operating rule books), station lists, station books, and track charts (including a legend for the track chart markings) for the Line Segment. Please provide the requested documents in their native format to the extent available (including all necessary documentation). If current versions of any of the requested documents are not available, please produce the most recent versions that are available.

Objection: DSRR objects to RFP No. 27 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 28

Please provide annual carloads and revenues by shipper and storage customer for the Line Segment for each year from 2017 through year-to-date 2023. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 28 because it does not seek documents with particularity. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 29

For each year from 2017 through year-to-date 2023, please produce the following for each freight car purchased or leased by DSRR:

- a) Initial and Number;
- b) Manufacturer;
- c) Lessor, if leased;
- d) AAR Car Type;
- e) Tare Weight;
- f) Purchase or order date, if purchased;
- g) Lease or order date, if leased;
- h) Total purchase price, if purchased;
- i) If lease, the type of lease, e.g., capital, operating, etc., and term; and
- j) If leased, the amount and frequency of lease payments.

Objection: DSRR objects to RFP No. 29 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

LPPC would like DSRR to reconsider this position.

Freight car details are required to develop a more accurate GCV and net liquidation values ("NLV"). From a GCV perspective, knowing the lease payments and lease terms provides a better understanding of future railroad lease costs which are included in the cash flows used in GCV income-based valuation methods. From a NLV perspective, knowing the type of

railcar purchased and the year it was purchased can provide a better estimate of its selling price that comes into play in a NLV analysis.

Please indicate whether DSRR owns or leases any freight rail cars. For each identified rail car, provide purchase price, purchase date and maintenance records. If leased, provide lease agreements and any payments made.

Response:

Request for Production No. 30

Please produce DSRR traffic volumes in number of loaded and empty railcars transported over the Line Segment for the years 2017 through 2022 and year-to-date 2023, including shipper/receiver and commodity. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 30 because it does not seek documents with particularity. To the extent the RFP seeks documents containing the requested information, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 31

Please produce documents relating to the calculation of DSRR's operating expenses for service provided on the Line Segment for the time period from January 1, 2017 to the present. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 31 as vague and ambiguous as to "documents relating to the calculation of DSRR's operating expenses." DSRR further objects to this RFP because it seeks duplicative or cumulative information, as other RFPs ask for documents relating to DSRR's operating expenses.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No. 32

Please produce documents sufficient to show the information used by DSRR for the

following items, in its native computer-readable format to the extent available, in determining the maintenance and operating costs associated with providing train service to the Line Segment, including the definitions and decoders needed to understand each piece of information and the supporting data used to develop the information:

- a) Roadway maintenance;
- b) Road property investment;
- c) Locomotive investment;
- d) Locomotive maintenance;
- e) Locomotive fuel;
- f) Railcar investment;
- g) Railcar maintenance;
- h) Trailer investment;
- i) Trailer maintenance;
- j) Train and engine crews; and
- k) Clerical expenses.

Objection: DSRR objects to RFP No. 32 because it does not seek documents with particularity. DSRR also objects to this RFP because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 33

Please produce documents sufficient to identify the profitability and/or costs relating to the Line Segment traffic, including but not limited to:

- a) Any monthly, quarterly, annual or other regular studies, analyses, or reports referring or relating to the costs of service associated with DSRR traffic by customer; and
- b) Any monthly, quarterly, annual or other regular studies, analyses, or reports referring or relating to the profitability, contribution and/or margin associated with DSRR traffic by customer.

Objection: DSRR objects to RFP No. 33 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 34

Please produce DSRR operating statistics, volume and density data (including but not limited to train miles, train hours, locomotive unit-miles, loaded car-miles, empty car-miles, net ton-miles, gross ton-miles (both including and excluding locomotives), and number of trains) for the Line Segment from 2017 to the present.

Objection: DSRR objects to RFP No. 34 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 35

Please produce studies and analyses undertaken by DSRR from January 1, 2017 to the present to evaluate available capacity, or capacity constraints, at DSRR facilities on the Line Segment. Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to RFP No. 35.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 36

Please produce all contracts, agreements or tariffs, and amendments or modifications thereto, including car storage agreements, in effect during the period from January 1, 2017 to the present between DSRR and all shippers and storage customers with shipments traversing any part of the Line Segment. Please provide current rail car storage agreements or indicate whether

or not each of the rail car storage agreements provided at DSRR_02181 through DSRR_02365 are still active and if not, when each expired.

Objection: DSRR objects to RFP No. 36 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No.37

Please produce documents which DSRR relies on in the ordinary course of business to determine mileages for movements on the Line Segment.

Objection: DSRR objects to RFP No. 37 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No.38

Please produce documents for 2017 through year-to-date 2023 that list by initial and unit number: (a) locomotives used to transport the Line Segment traffic; and (b) all the locomotives in the pool or other group from which the locomotives used to transport the Line Segment traffic are drawn. Please provide a copy of the guidelines used for assigning locomotives to the Line Segment traffic, indicating applicable horsepower requirement per ton and applicable locomotive models and/or series.

Objection: DSRR objects to RFP No. 38 because it does not seek documents with particularity. DSRR also objects to this RFP because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment, and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 39

Please produce documents, in their native computer-readable format to the extent available, which provide the following information for each of the locomotives contained in each of the listings produced in response to RFP No. 38, to the extent that the information is in DSRR's possession or is available to DSRR upon request:

- a) The locomotive initial and number;
- b) The manufacturer, if purchased;
- c) The lessor, if leased or rented, or provider, if used in run-through service;
- d) Model or type (*e.g.*, SD-40-2);
- e) Horsepower;
- f) Capacity of its fuel tanks (gallons);
- g) Weight;
- h) Date of purchase or lease;
- i) Date first placed into service;
- j) The original cost plus the cost of any additions and betterments;
- k) Financing vehicle (*e.g.*, equipment trust);
- l) Debt rate as a percent;
- m) Financing terms (in years);
- n) Annual depreciation;
- o) Annual depreciation as a percent;
- p) Current salvage value as a percent;
- q) Accrued depreciation;
- r) If leased, the type of lease (*i.e.*, capital, operating, "power by the hour", etc.);
- s) If a capital lease, the capitalized value of the lease by locomotive or group of locomotives (if a group of locomotives, the number of locomotives (by initial and number) and aggregate dollars);
- t) If an operating lease, the quarterly, semi-annual, etc., lease payment by locomotive or group of locomotives covering the term of the lease (if a group of locomotives, the number of locomotives (by initial and number) and aggregate dollars);
- u) If leased or rented under a short-term or "power by the hour" agreement, the minimum annual fixed payment and the use payment (*e.g.*, per kilowatt/hour, per diesel unit mile, etc.) per locomotive, the average annual payment per locomotive, and the annual locomotive unit-miles for each such locomotive, stated separately for intermodal service and other service;
- v) Expected salvage value as a percent at the end of the locomotives expected physical life.

Objection: DSRR objects to RFP No. 39 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Ascertaining and providing the documents sought will subject DSRR to a substantial financial burden that is grossly out of proportion to the value of the requested information.

LPPC would like DSRR to reconsider this position.

Locomotive details are required to develop a more accurate GCV and NLV. From a GCV perspective, knowing the lease payments and lease terms provides a better understanding of future lease costs which are included in the cash flows used in GCV income-based valuation methods. From a NLV perspective, knowing the type of locomotive purchased and the year it was purchased can provide a better estimate of its selling price that comes into play in a NLV analysis.

Please indicate whether DSRR owns or leases its locomotives. For each identified locomotive, provide purchase price, purchase date and maintenance records. If leased, provide lease agreements and any payments made.

Response: While DSRR objected to this RFP, certain documents produced may also be responsive to this request, as identified in the attached production log.

Request for Production No. 40

If any non-DSRR owned or leased locomotives have been used for the movement of traffic over the Line Segment during 2017 through year-to-date 2023, please produce documents sufficient to determine the frequency of DSRR's use of such locomotives including the following:

- a) List all agreements (or describe any arrangements other than agreements) applicable to the use of the locomotive(s);
- b) State the itemized amount of compensation or equalization for use of the locomotive, by each category of compensation or equalization, including but not limited to fuel, maintenance and servicing;
- c) List service units covered by the compensation or equalization;
- d) Describe the methodology used for computing the compensation or equalization by component; State the time periods during which the locomotive was used for the movement of traffic over the Line Segment; and
- e) State the locomotive unit miles traveled by the locomotive during the time period that it was used for the movement of traffic over the Line Segment.

Objection: DSRR objects to RFP No. 40 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information from any owned or leased locomotives will be included in aggregate financial materials which DSRR will provide in due course.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 41

Please produce all locomotive maintenance agreements, including all supplements, attachments, exhibits and schedules, with outside contractors and provide, for 2017 through year-to-date 2023 for all locomotives in DSRR's fleet and used on the Line Segment under such maintenance agreements: (a) the amount paid for each locomotive, by locomotive type and by maintenance agreement in total and broken down by each service or group of services performed for each separate charge performed under the agreement; and (b) the number of locomotive unit miles corresponding to the amounts listed above.

Objection: DSRR objects to RFP No. 41 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information from any locomotive maintenance agreements will be included in aggregate financial materials which DSRR will provide in due course.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 42

Please produce all DSRR locomotive maintenance and repair records and/or reports and related documents for 2017 through year-to-date 2023, which provide DSRR locomotive maintenance, repair and overhaul expenses by locomotive or locomotive type or series (or by other basis in which records are kept) and the total locomotive unit-miles corresponding to these maintenance, repair and overhaul expenses for all locomotives in DSRR's fleet and used on the Line Segment.

Objection: DSRR objects to RFP No. 42 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information from any locomotive maintenance and repair records will be included in aggregate financial materials which DSRR will provide in due course.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 43

Please produce the lease agreements or rental agreements, including all supplements and amendments, plus copies of all billings, applicable to each leased or rented locomotive identified in response to RFP No. 38.

Objection: DSRR objects to RFP No. 43 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information from any lease agreements or rental agreements will be included in aggregate financial materials which DSRR will provide in due course.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 44

Please produce documents sufficient to show the following information for DSRR for 2017 through year-to-date 2023:

- a) The actual amount of fuel used by the locomotives identified in response to RFP No. 38, by individual locomotive;
- b) The actual cost per gallon of fuel reported in response to (a) above;
- c) The total number of diesel unit miles generated by the locomotives for which fuel consumption data was provided in response to (a) above during the same time period used in response to (a) above;
- d) The method by which DSRR accounts for or records fuel usage for locomotives; and
- e) Computer-readable versions (both compiled and non-compiled), including all supporting databases and necessary documentation, of any and all computer programs in DSRR's possession used to estimate the fuel usage of locomotives.

Objection: DSRR objects to RFP No. 44 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information regarding fuel will be included in aggregate financial materials which DSRR will provide in due course.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No.45

Please produce all studies, analyses and related documents or reports (including summaries and supporting data), in its native computer-readable format to the extent available, pertaining to the results of DSRR's fuel hedging programs.

Objection: DSRR objects to RFP No. 45 as vague insofar as it seeks "related documents or reports." To the extent the RFP seeks documents containing studies, analyses or reports regarding DSRR's fuel hedging programs, DSRR will conduct a reasonable search and provide responsive documents if they exist.

Response: After a thorough search for responsive documents, DSRR identified no responsive documents kept in the ordinary course of business.

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No.46

Provide all documents for 2017 through year-to-date 2023, in its native computer-readable format to the extent available, containing:

- a) Line-specific maintenance of way and structures expenditures for the Line Segment; and
- b) The gross ton-miles for the Line Segment included in the response to (a) above.

Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 46 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Request for Production No.47

Please produce documents for 2017 through year-to-date 2023 which provide DSRR's loss and damage costs separately for each commodity it carries on the Line Segment.

Objection: DSRR objects to RFP No. 47 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 48

For each of the years 2017 to the present, please produce all studies, analyses and related documents (including logs, records and summaries) of switching performed on the Line Segment, including, but not limited to:

- a) Inter-plant switching;
- b) Intra-plant switching; and
- c) Inter-terminal switching.

Objection: DSRR objects to RFP No. 48 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 49

Produce all documents, in their native computer-readable format to the extent available (including all necessary documentation), relating to train activities for each crew handling each train operating on the Line Segment.

Objection: DSRR objects to RFP No. 49 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 50

For each crew operating on the Line Segment (in both the loaded and empty directions),

please produce documents, in their native computer-readable format to the extent available (including all documentation, i.e., record layouts, field definitions, code definitions, etc.), which provide the following information, in whole or in part, for individual trainmen and enginemen for each train carrying traffic for 2017 through year-to-date 2023:

- a) The date;
- b) Number of enginemen (including trainees);
- c) Number of trainmen (including trainees);
- d) Place, time, and date each employee went on duty;
- e) Place, time, and date each employee went off duty;
- f) Train number assigned;
- g) Whether or not a relief crew;
- h) Locomotive initials and numbers (including slave units) and number of units in train;
- i) Number of cars in train;
- j) Actual miles run per train;
- k) Kind of service (e.g., local, through, switching, deadheading);
- l) Service class for each employee (including definitions of codes used);
- m) Run number (including definitions of codes used);
- n) Time claimed for each employee;
- o) Straight time actually worked for each employee;
- p) Straight time paid for each employee (hours and dollars of compensation);
- q) Overtime actually worked for each employee;
- r) Overtime paid for, for each employee (hours and dollars of compensation);
- s) Constructive codes, related miles and payments, for each employee (including Code Abbreviation or Number, complete words for which the abbreviation or number stands, definition and explanation of the basis for calculating the payment shown and the different payment rates, e.g., \$0.50 for each five (5) minutes of this, \$10.00 for company negotiated agreement to pay for that, \$100 to reach the amount of salary the engineer is guaranteed for the month, etc.);
- t) The definition DSRR and Patriot Rail uses internally for payroll determination, transportation classification, labor relations, or accounting purposes for each constructive code identified in response to (s) above. As a hypothetical example, if DSRR and Patriot Rail defines the constructive code “01” as “back pay,” provide a description of what constitutes “back pay” under DSRR’s and Patriot Rail’s guidelines;
- u) Rate codes of each employee (including definition of codes used and all different wage rates); Payments for meals and lodging for each employee; and
- v) Productivity fund payments on behalf of each employee as well as the amount in the fund, the basis for the distribution and the source/activity which created the fund.

Objection: DSRR objects to RFP No. 50 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information regarding crew will be included in aggregate financial materials which

DSRR will provide in due course.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 51

Please produce all wage data, in its native computer-readable format, showing wages paid to each trainman and engineman, separately, by date, to the extent that is not included in the data DSRR provides in response to Request for Production No. 50 for 2017 through year-to-date 2023.

Objection: DSRR objects to RFP No. 51 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues. Cost-related information regarding wage data will be included in aggregate financial materials which DSRR will provide in due course.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 52

Please provide all documents related to the assignment or sale of Railroad Track Maintenance Tax Credits for the years 2017 to the present, including the identification of, to whom the credit was assigned or sold, the amount of the credit assigned or sold, and the miles of track related to the assigned or sold tax credit.

Objection: DSRR objects to RFP No. 52 because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Please confirm that the above response is current and that DSRR's position is still as stated.

Request for Production No. 53

Please produce copies of all operating budgets associated with the Line Segment for the years 2017 to the present, including any subsidiary budgets, including, but not limited to:

- a) Freight revenues;
- b) Storage revenues;
- c) Switching revenues;
- d) Car hire expenses;
- e) Locomotive expenses;
- f) Track repair expenses;
- g) Equipment repair expenses;
- h) Insurance expenses;
- i) Purchased services expenses;
- j) Rental expenses;
- k) Professional service expenses;
- l) License expenses;
- m) Tax expenses;
- n) Utility expenses; and
- o) Depreciation expenses.

Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR does not object to RFP No. 53.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

Request for Production No. 54

Please produce copies of all contracts and agreements between DSRR and Patriot Rail covering any and all management and administration services provided by Patriot Rail to DSRR including, but not limited to:

- a) Accounting services;
- b) Legal services;
- c) Administrative services;
- d) Human resources services;
- e) Information technology and computer services;
- f) Communication services; and
- g) Public relations services.

Objection: DSRR does not object to RFP No. 54.

Response: Please refer to the attached production log to identify the particular documents that are responsive to this Request for Production.

DSRR does not object to this RFP and refers to the production log “to identify the particular documents that are responsive this Request.” However, DSRR’s production log does not indicate any responsive documents to this request. Please provide a copy of DSRR’s current operating and/or management agreement and all amendments with Patriot Rail

Request for Production No. 55

For the years 2017 to the present, please provide the number of railcars loaded and or unloaded at the DSRR's transload facility at or near Sondheimer, LA.

Please provide this data for 2024 and Year-to-date 2025. Also, provide full year 2025 data when it becomes available and continue to provide monthly data as long as this application remains active.

Objection: DSRR objects to RFP No. 55 because it does not seek documents with particularity. DSRR also objects to this RFP because it is beyond the scope of discovery necessary for LPPC to develop a sound valuation assessment and is further overly broad and unduly burdensome in seeking detailed information unrelated to valuation issues.

Response:

Respectfully submitted,

/s/ John M. Scheib

John M. Scheib
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Richmond, VA 23219
(757) 916-3511

Attorney for: Delta Southern Railroad Inc.

Verification of Interrogatory answers to follow.

Dated: February 23, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February 2024, I caused a copy of the foregoing document to be served by email:

Richard H. Streeter
rhstreeter@gmail.com

Michael McBride mfm@vnf.com

By: /s/ John M. Scheib

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(757) 916-3511

Attorney for: Delta Southern Railroad Inc.

Dated: February 23, 2024