

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

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January 12, 2025

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VIA E-Filing

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
January 12, 2026
Part of
Public Record

Re: NPJ Rail, LLC – Acquisition Exemption – Rail Line Of Franklin Storage, LP,
FD 36895

PNGT Rail, LLC - Acquisition Exemption – Rail Line Of Franklin Storage,
LP, FD 36896

Dear Chief of Case Administration,

Norfolk Southern Railway Company (NS) hereby requests that the Surface Transportation Board (“STB” or “Board”) postpone the effective date of the two notices of exemption (“NOE”) filed in the above two proceedings. Both NOE’s were filed on December 15, 2025. Pursuant to 49 C.F.R. § 1150.32(b), exemptions become effective 30 days after notice of the exemption is filed. As such, both NOE’s are to become effective January 14, 2026.

Postponement is fully justified. As the Board has previously noted, a notice is not considered to be filed until it meets the Board’s regulatory requirements. See Buckeye Hammond R.R.—Acquis. & Operation Exemption—Buckeye Partners, L.P., FD 35697, slip op. at 1 n.1 (STB served Jan. 3, 2013). Here, both NOE’s were filed under 49 CFR Subpart D. 49 CFR 1150.33(h) requires that NOE’s filed under that section must “certify whether or not the proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means (“interchange commitment”).” Neither filing includes such a certification. As such, neither NOE can become effective on January 14, 2025 and the Board should postpone the effective date of each NOE until further order of the Board.¹

¹See Docket No. FD 368751, Mason Railroad, Inc. – Acquisition Exemption – L. Neill Cartage Co., Inc. and FD 36874, Proviso Railroad, Inc. – Acquisition Exemption – L. Neill Cartage Co., Inc.; (STB served Dec. 31, 2025). Both of those proceedings involve the same counsel as the

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January 12, 2026

Page 2

Furthermore, NS was unaware of the filed NOE's because the Board did not publish notice of them in the *Federal Register*. 49 CFR 1150.32(b) notes that notices of exemptions filed pursuant to Subpart D. will be published in the *Federal Register* within 16 days of their filing. These NOE's were filed on December 15, 2025. As such, publication should have occurred no later than December 31, 2025. NS can find no notice of such a *Federal Register* publication. The failure to timely publish the NOE's provides further justification for the Board to postpone the effective date until further notice of the Board.

If there are any questions about this matter, please contact me directly, either by telephone: at 202-663-7823 or by e-mail: wmullins@mullislawgroup.net.

Respectfully submitted,

/s/ William A. Mullins

William A. Mullins
Attorney for Norfolk Southern Railway Company

cc: Parties of Record

two proceedings subject to this request. NS is concerned that the various NOE's are being filed simply for tax purposes, i.e., to convert the property to railroad property which is taxed at a different rate than industrial property. Indeed, Mr. Callahan advertises himself as specializing in tax issues. The NOE's do not appear to be filed for any legitimate railroad purposes.