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VIA ELECTRONIC 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
February 18, 2026
Part of
Public Record

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

Dear Chief of Case Administration:

DSRR writes for the limited purpose of correcting the procedural posture in this case and to rebut LPPC and Complex Chemical's erroneous argument that the Board's decision of November 20, 2023 decided any issue in the case on the merits, or that it is somehow "law of the case" that precludes DSRR from discovering and presenting evidence on certain issues. *See* LPPC and Complex filing at 2-4 (STB filed Feb. 13, 2026 (Document No. 310876)). Indeed, the Board's decision explicitly made no merits determination and is what, in part, gives rise to and authorizes the discovery sought by DSRR in the first place.

On January 13, 2023, DSRR filed a Motion to Reject the Amended Application as incomplete. DSRR also asked the STB to terminate this proceeding because after more than two years, LPPC had failed to show that service was inadequate to a majority of shippers on the Line or that DSRR would not be harmed by a forced-sale of the Line. In fact, many of the statements submitted by LPPC throughout this proceeding proved that service was adequate, including the statement of Mr. Jerry J. Melton of Complex Chemical that "[t]he current rail provider, DSRR is providing adequate service." Original Application, Exhibit 8 at 2 (Document No. 301274).

On November 20, 2023, the STB denied DSRR's motion to reject LPPC's Amended Application and found the Amended Application to be complete. *See Lake Providence Port Comm'n—Feeder Line Appl.—Line of Delta S. R.R. Located in E. Carroll & Madison Parishes, La.*, STB Finance Docket No. 36447, slip op. at 14 (STB served Nov. 20, 2023) (hereinafter "November 20 Decision"). While the STB did point out that DSRR "did not provide any details or submit a verified statement to substantiate its claim" in support of its motion, the Board evaluated the sufficiency of the evidence in the Amended Application to evaluate whether it

stated a prima facie case. November 20 Decision at 9. But what the Board did not do was determine any issue on the merits. Indeed, the Board specifically ruled that:

Should the Board ultimately accept LPPC's amended application and institute a proceeding, DSRR will be free to present additional evidence and argument relating to the claims in its motion to reject (and other claims bearing on the merits of the amended application), and the Board will issue a decision on the merits of the application when the record is complete. *See PYCO Indus., Inc.—Feeder Line Acquis.—S. Plains Switching, Ltd.*, FD 34844 et al., slip op. at 8 (STB served July 3, 2006) (accepting the application but reserving judgment on the merits pending completion of the record).

November 20 Decision at 11.

LPPC and Complex inaccurately represent that decision as one that resolved evidentiary issues despite this clear language. Indeed, the discovery DSRR seeks is to develop the complete record, including probing the veracity of statements made in the verified statement of Mr. Melton and the things not said in his verified statement that may be shown by business records, including the facts that DSRR has shipped the traffic tendered by Complex Chemical upon reasonable request (LPPC and Complex filing at page 15), which validates Mr. Melton's statements that DSRR's service is adequate, and that Complex has not requested service over the northern part of the line despite actual knowledge that DSRR has shipped freight over that segment.

For the reasons previously stated in DSRR's motion for issuance of a subpoena to Complex Chemical, the Board should grant it and overrule LPPC and Complex Chemical's other meritless objections that seek to delay discovery from the largest shipper on the Line at issue.

Respectfully submitted,

/s/ John M. Scheib

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Non-party Witness Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by email on the following who are on the Board's service list or counsel who have made it known to DSRR that they represent one of the LPPC witnesses:

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Dated: February 18, 2025