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March 3, 2026

VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Lampwrights LLC
– Construction and Operation of a Line of Railroad –
in Elk and Jefferson County, PA
Surface Transportation Board Finance Docket 36833
Reply to Motion to Strike

Dear Chief of Case Administration:

Lampwrights LLC ("Lampwrights") respectfully requests that the Board deny the First Apostles' Doctrine Church ("FADC") motion to strike its response to FADC's fourteenth (or fifteenth) reply to the Lampwrights Petition.

Lampwrights filed its petition for exemption on September 29, 2025. On November 20, 2025, FADC submitted its first protest/opposition statement in reply to the Petition. On December 10, 2025, Lampwrights submitted a letter to the Board noting that various comments, protest/opposition statements and replies (collectively "replies") to the Petition had been filed on November 20, 24, 28, and December 3 and 9. Lampwrights observed that under 49 C.F.R. § 1104.13(a) a response to the first reply would be due on December 10. However, Lampwrights further noted that the replies that had been submitted to date related to the environmental impacts of the Proposed Line and therefore a response would be premature without the completion of the Environmental Assessment. In its letter, Lampwrights requested – in the interest of administrative efficiency – that the Board either request additional information from it to respond to the replies filed to date or establish a procedural schedule.

On December 22, 2025, the Board established a deadline of January 22, 2026, for parties to "reply" to the Lampwrights Petition. In that decision, the Board did not explicitly establish a deadline for Lampwrights to submit a rebuttal. But a response from Lampwrights should be implied because Lampwrights in its procedural request explained its understanding of its rights under section 1104.13(a) to respond to the various types of replies that had been filed, and was seeking to limit the number of responses that would be required.

Less than a week before that filing deadline, FADC sought an extension. Lampwrights objected to the extension noting that FADC has already filed thirteen times and had served the parties of record that very day with an additional filing that has never been posted to the Board's website. The Board granted that extension until February 5, 2026.

In its February 5 reply, FADC did not submit a reply that was limited to arguing against the Lampwrights Petition. Instead, FADC asked the Board for affirmative relief seeking rejection of the Lampwrights Petition based on the application of Pennsylvania state law and the application of the class exemption procedures at 49 C.F.R. § 1150.43(c). Cloaking a request for rejection in a reply instead of through a separate petition should not be grounds for denying Lampwrights the opportunity to respond. Lampwrights replied to the request for rejection explaining – among other arguments – that Pennsylvania state law and the Board's class exemption procedures are irrelevant.

Now, despite having attacked the Lampwrights Petition approximately fourteen times and seeking to expand the Board's requirements for construction petitions, FADC seeks a motion to strike the Lampwrights response as an impermissible reply to a reply because Lampwrights "should have but chose not to include [property ownership status] in its original petition."¹

As stated by FADC, the Board is shifting its treatment of replies-to-replies to more strictly adhere to the existing regulatory prohibition against replies-to-replies. The Board's reasoning for more strictly enforcing the rule includes ensuring fulsome initial filings because information provided in a party's reply to a reply "often could have been included in an initial filing."²

Here, however, the Board should permit the Lampwrights response because the Board's December 22, 2025, decision establishing a procedural schedule with a "reply" deadline did not explicitly state that the restrictions of Section 1104.13(c) would apply as part of the schedule, or that Lampwrights would not have the right to respond to any replies that were filed. Further, the Board should reject the FADC motion to strike because Lampwrights could not have anticipated that FADC would seek rejection of the Lampwrights Petition arguing that state law and the Board's class exemption regulations are applicable to construction and operating petitions. Finally, it would be prejudicial to Lampwrights for the Board to allow FADC to file thirteen replies, grant FADC an extension to file a fourteenth reply, allow FADC to seek affirmative relief arguing irrelevant state law and Board regulations, yet deny Lampwrights the right to respond.

For the reasons stated above, Lampwrights respectfully requests that the Board deny the FADC motion to strike.

Sincerely,



Justin J. Marks
Counsel for Lampwrights LLC

cc: Parties of Record

¹ FADC Motion to Strike at 1-2 and n.3.

² *Sunflower State Industrial Railway, LLC – Petition for Declaratory Order*, STB Finance Docket No. 36714 (Sub-No. 1), Slip op. at 2, n.3 (served March 28, 2025).