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Office of Chief Counsel  
May 21, 2026  
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Public Record

VIA E-FILING

May 21, 2026

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

Re: FD 36447, Lake Providence Port Commission –  
Feeder Line Application – Line of Delta Southern  
Railroad, Inc. Located in East Carroll and Madison  
Parishes, Louisiana

Dear Chief of Case Administration:

On May 20, 2026, Delta Southern Railroad, Inc. (“DSRR”) filed a letter Reply (“Reply”) herein, replying to the Joint Reply filed by the Lake Providence Port Commission (“LPPC”) and the Southeast Arkansas Economic Development District (“SEAEDD”) on May 13, 2026 (“Joint Reply”) in response to the Omnibus Brief and Motions for Issuance of Subpoenas filed by DSRR on May 7, 2026. On behalf of LPPC and SEAEDD, we respectfully request that the Reply be stricken from the record.

The Board’s regulations (49 C.F.R. § 1104.13(c)) preclude replies to replies. While the Board in the past often allowed replies to replies, it generally now does not. *E.g., Sunflower State Indus. Ry.—Pet. For Declaratory Ord.*, FD 36714 (Sub-No. 1)(STB served Mar. 28, 2025), slip op. at 2 n.3; *Kansas & Oklahoma Railroad, LLC – Lease and Operation Exemption With Interchange Commitment – Union Pacific Railroad Company*, FD 36849 (STB March 20, 2026), slip op. at 7; see *Norfolk Southern Corporation and Norfolk Southern Railway Company – Acquisition and Control – Norfolk & Portsmouth Belt Line Railroad Company*, FD 36836 (STB served April 6, 2026), slip op. at 20.

Even when the Board in the past has allowed replies to replies, it has required a request or motion for leave to file, with an explanation of why such a reply to a reply should be permitted. *E.g., City of Alexandria – Petition for Declaratory Ord.*, FD 35157, slip op. at 1-2 (STB served Nov. 6, 2008). Here,

DSRR did not even bother to seek leave to file its Reply to the Joint Reply, let alone attempt to show why such a reply was necessary. Presumably, it did not do so because it could not have done so convincingly, under the Board's recent rigorous application of its "no replies to replies" regulation and given that the Joint Reply merely replied to DSRR's arguments for issuance of subpoenas in its May 7, 2026 Omnibus Brief.

If the Board is nevertheless inclined to grant DSRR leave to file its Reply to the Joint Reply, LPPC and SEAEDD will endeavor to file a complete response to the Reply as soon as possible. For now, it should suffice for the Board to know that it should not rely on the substance of DSRR's Reply, because the Reply is replete with errors, such as (a) completely misquoting and mischaracterizing (at 2) the position of LPPC and SEAEDD in the Joint Reply (at 5) concerning whether the Board should rely on its previous finding that LPPC, as a governmental subdivision of the State of Louisiana, is deemed to be financially responsible,<sup>1</sup> and (b) its claim that there is no place in Lake Providence, LA to conduct a day-long deposition,<sup>2</sup> despite the fact that, just over two months ago, DSRR conducted two full days of depositions of LPPC's witnesses, including two one-half day depositions (of Terral RiverService, Inc.'s Mr. Martin and Hollybrook Warehouse, Inc.'s and Lake Providence Mayor, The Honorable Mr. Amacker) and one full-day deposition (of LPPC's retired Port Director, Mr. Gilfoil).<sup>3</sup> We also strongly disagree with other arguments made by DSRR in its Reply, mischaracterizing evidence and testimony or materials obtained herein in discovery, but will withhold further argument at this time so

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<sup>1</sup> Contrary to DSRR's Reply (at 2), LPPC and SEAEDD stated in their Joint Reply (at 5) that "The Board clearly reached a correct conclusion in its November 20, 2023 Decision at 5 n.11 that '[a]s a governmental entity, LPPC is presumed to be financially responsible.'"

<sup>2</sup> In its Reply, DSRR stated (at 3): "The proposed dates for depositions, which may bridge more than one calendar day, are because locations for the depositions in these small towns are only available for a limited time each day." DSRR previously conceded that the Board's regulations require that depositions be conducted in the city where the deponent is located. Dec. 18, 2025 letter from DSRR to ALJ Soulikias at 2 n.3 ("DSRR concedes that the rule requires deposition notices to state a location in the city where the deponent is located and will cure by serving new deposition notices. 49 CFR 1114.23(a).").

<sup>3</sup> See subpoenas issued by ALJ Soulikias herein on February 13, 2026, prescribing dates for depositions in Lake Providence, LA of Messrs. Martin (Feb. 23, 2026 at 9:00 a.m.), Amacker (Feb. 23, 2026 at 2:00 p.m.), and Gilfoil (Feb. 24, 2026) for an entire day. Mr. Gilfoil in fact testified for the entire day.

as not to burden ALJ Soulikias or the Board with the merits of this controversy unless the Board, or ALJ Soulikias, so directs.

For the foregoing reasons, DSRR's May 20, 2026 should be stricken.

Respectfully submitted,

Richard H. Streeter

Michael F. McBride

/s/ Richard H. Streeter

/s/ Michael F. McBride

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Development District

#### Certificate of Service

I, Richard H. Streeter, do hereby certify that, on May 21, 2026, a true copy of the foregoing with attachment was served on the following Parties of Record, via email:

ALJ Jennifer Soulikias: [a.j.soulikias.inbos@stb.gov](mailto:a.j.soulikias.inbos@stb.gov)

Delta Southern Railroad, Inc.

c/o John M. Scheib [scheig@gentrylocke.com](mailto:scheig@gentrylocke.com).

Noah P. Sullivan [NSullivan@gentrylocke.com](mailto:NSullivan@gentrylocke.com).

William L. Spotswood [Spotswood@gentrylocke.com](mailto:Spotswood@gentrylocke.com)

Timothy Crowley at [tim@lepeabody.com](mailto:tim@lepeabody.com)

Thomas D. Crowley at [tc@lepeabody.com](mailto: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@jeabnukker.cin](mailto:mark.marionneaux@jeabnukker.cin)

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(2) The designated State agency of the State where the property is located:

Louisiana Department of Transportation and Development

[andrew.barry@la.gov](mailto:andrew.barry@la.gov)  
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(3) County governments where the line is located:

East Carroll Parish Police Jury  
Kendall Thompson, President  
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Madison Parish Police Jury  
Jane Sanders, President  
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/s/ Richard H. Streeter  
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