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ENTERED
Office of Chief Counsel
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VIA E-FILING

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

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

Dear Chief of Case Administration:

The Lake Providence Port Commission (“LPPC”), Southeast Arkansas Economic Development District (“SEAEDD”) and the North Louisiana & Arkansas Railroad (“NLA”) appreciate the Board’s Decision, served May 27, 2026, expressing the Board’s willingness to set a deadline for discovery and establish a Procedural Schedule herein. Status Report.

Unfortunately, as explained in the attached Verified Statement of Mr. Thomas Crowley, President Emeritus of L. E. Peabody & Associates, Inc. and Ms. Christena Nielsen, Senior Consultant with L. E. Peabody & Associates, Inc., and unbeknownst to the Board, Delta Southern Railroad, Inc. (“DSRR”) did not produce by March 15, 2026 all of the documents in its possession, custody, or control that were responsive to LPPC’s document requests that DSRR was ordered to provide by March 15, 2026 by ALJ Soulikias in her January 16, 2026 decision and order. That document-production process was not complete (according to DSRR, at least) until DSRR provided some additional documents on April 24, 2026. The purpose of LPPC’s December 2025 Motion to Compel DSRR to provide additional documents was to allow Mr. Crowley and Ms. Nielsen to present any rebuttal Verified Statement that might be appropriate to rebut any calculation presented by DSRR of the Constitutional Minimum Value (“CMV”) of the segment of the Lake Providence Branch Line (“Line”) between MP 471.0 and MP 498.44. LPPC, Mr. Crowley, and Ms. Nielsen did not anticipate that the Board would order a further update of their determination of the CMV for DSRR’s segment of the Line in the near future, because there was no provision for such a presentation in the Board’s

decisions and orders to date. Rather, they were reviewing and attempting to analyze the documents DSRR provided for possible rebuttal testimony to any valuation testimony or other presentation that DSRR may provide in its Response to the Amended Application.

After receipt and analysis of the documents provided by DSRR in response to ALJ Soulikias's January 16, 2026 decision and order, LPPC's experts had many questions about how to interpret and analyze the documents DSRR provided (such as what portion of cost-related information is attributable to DSRR's portion of the Line between MP 471.0 and MP 498.44, and what portion may be attributable to DSRR's other line from Monroe, LA to Sterling, LA). So, in an effort to resolve such matters informally, LPPC provided DSRR with a multi-page list of questions pertaining to those documents that was prepared by Mr. Crowley and Ms. Nielsen to fully understand the DSRR documents. DSRR's counsel expressed a willingness to answer those questions rather than have LPPC's counsel present any disputes about such matters to ALJ Soulikias. Some of those questions were answered by DSRR on May 22, 2026, but the remainder have not yet been answered, and may not be, according to DSRR's counsel, until after June 10, 2026, because the one person at DSRR's parent, Patriot Rail, who according to DSRR's counsel must review and respond to all such questions, will be occupied until then with preparations for an upcoming Patriot Rail Board of Directors meeting, as explained in the attached Verified Statement. Because the undersigned attorneys sought to resolve the issues with DSRR's counsel informally, instead of requesting the ALJ resolve the outstanding issues (which could have been very technical, time-consuming, and an imposition on the ALJ's time), LPPC should not be prejudiced by not (at least yet) seeking to involve the ALJ, who obviously has other STB-related obligations, including with respect to the Union Pacific-Norfolk Southern merger (FD 36873), not to mention her role in discovery disputes in other STB proceedings and possible obligations she may have at HHS where she is employed.

Given the Board's order in its decision served May 27, 2026 that LPPC update its valuation calculations by June 16, 2026 (or state that such an update is not necessary), LPPC has been informed that Mr. Crowley and Ms. Nielsen will endeavor to the best of their ability to revise their valuation calculation and present the Board with that valuation presentation in a further verified statement to be filed by June 16, 2026. However, such efforts may not allow them to fully update their July 5, 2024 Verified Statement, given the lack of clarity of some of the documents DSRR provided and the fact that DSRR's answers to the remaining questions presented to it may not be received by then (or may be received too close to June 16, 2026 to take those answers into account). Accordingly, LPPC and Mr. Crowley and Ms. Nielsen must reserve the right, without prejudice due to any limitations that may exist with their ability to now fully analyze and calculate the CMV for DSRR's portion of the Line, to rebut any valuation calculations that DSRR may introduce after the

Board publishes the notice of LPPC's its acceptance of LPPC's Amended Application in the *Federal Register*. This is especially the situation, given that DSRR's valuation presentation (and any sworn testimony) may finally explain many of the aspects of the documents recently provided by DSRR that are as yet unclear to Mr. Crowley and Ms. Nielsen.

Because the enclosed Verified Statement involves highly confidential information, the Verified Statement is filed under seal.

Respectfully submitted,

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Counsel for Lake Providence Port Commission

Certificate of Service

I, Richard H. Streeter, do hereby certify that, on May 29, 2026, a true copy of the foregoing with attachment was served on the following Parties of Record, via email:

ALJ Jennifer Soulikias: alj.soulikias.inbox@stb.gov

Delta Southern Railroad, Inc.

c/o John M. Scheib scheig@gentrylocke.com.

Noah P. Sullivan NSullivan@gentrylocke.com.

William L. Spotswood Spotswood@gentrylocke.com

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:

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

Louisiana Department of Transportation and Development

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- (3) County governments where the line is located:

East Carroll Parish Police Jury

Kendall Thompson, President
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/s/ Richard H. Streeter

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