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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36447

**LAKE PROVIDENCE PORT COMMISSION—FEEDER LINE
APPLICATION—LINE OF DELTA SOUTHERN RAILROAD
LOCATED IN EAST CARROLL AND MADISON PARISHES, LA**

**REPLY OF NORTH LOUISIANA & ARKANSAS RAILROAD COMPANY TO
JULY6, 2026 APPEAL FILED BY DELTA SOUTHERN RAILROAD, INC.**

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Dated July 9, 2026

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JULY 6, 2026 APPEAL FILED BY DELTA SOUTHERN RAILROAD, INC.**

Introduction and Summary

Delta Southern Railroad, Inc. (“DSRR”) filed an appeal herein on July 6, 2026 seeking to have the Board overturn the July 2, 2026 Decision (“July 2, 2026 Decision”) of Administrative Law Judge Soulikias on two grounds: one, that North Louisiana & Arkansas Railroad Company (“NLA”) be required to provide DSRR with its 2025 financial results, including those supposedly submitted to the Board in an OmniTrax exempt acquisition proceeding (FD 36922), and two, that it provide all documents and communications concerning OmniTRAX’s acquisition of NLA’s parent and affiliates *but not NLA*. DSRR’s appeal is baseless and should be denied.

First, the only conceivable provision of the Board’s regulations¹ that is relevant to DSRR’s appeal is 49 C.F.R. § 1115.1(a)(4), which pertains to “undue prejudice to a party.” DSRR’s appeal falls woefully short of meeting that standard. ALJ Soulikias already accepted NLA’s offer to provide its 2025 final financial results to DSRR in discovery when those are available and, in her July 2, 2026 Decision (at 5-6), ordered NLA to do so. On July 8, 2026, those highly confidential final 2025 financial results, as prepared by the accountants for NLA and its then-parent, Arkansas Short Line Railroads, Inc., were served

¹ See Decision No. 13 (served March 18, 2026) at 4 (discussing applicable standards for interlocutory appeals to the Board) in FD 36873, *Union Pacific Corporation and Union Pacific Railroad Company – Control – Norfolk Southern Corporation and Norfolk Southern Railway Company*.

on DSRR's counsel and ALJ Soulikias. We believe that this satisfies DSRR's first ground for appeal.²

Second, ALJ Soulikias also determined that whatever NLA may have told OmniTRAX about itself, including its financial condition, is not relevant here, when it has already provided DSRR with its final financial results for 2023 and 2024 and now has provided DSRR's counsel with its final financial results for 2025.³ Any assertion that DSRR has made concerning OmniTRAX's supposed belief about NLA's financial condition is incorrect because, as we informed ALJ Soulikias, OmniTRAX was not interested in acquiring NLA because it did not wish to become involved in this feeder-line proceeding, rather than because of (as DSRR baselessly assumed) any issues concerning NLA's financial condition. ALJ Soulikias found that DSRR's assertion about OmniTRAX's supposed belief was baseless, and instead relied on NLA's counsel's representation, which was certainly appropriate. July 2, 2026 Decision at 3.

What else NLA communicated with OmniTRAX, leading up to OmniTRAX's acquisition of NLA's then-parent and affiliates,⁴ but not NLA, has

² Preliminary financial results are not necessarily reliable or relevant, and NLA should not be required to produce them, as Judge Soulikias decided. July 2, 2026 Decision at 4.

³ Under 49 U.S.C. § 10907, the feeder-line statute applicable to this proceeding, and 49 C.F.R. § 1151.3(a)(3), it is Applicant Lake Providence Port Commission's financial condition, not that of Lessee NLA, that is relevant, as ALJ Soulikias held. July 2, 2026 Decision at 2-3.

⁴ The other three shortline railroads owned by the Robbins Trust (Arkansas Short Line Railroads, Inc. (d/b/a Dardanelle and Russellville Railroad, and DR's two Class III rail carrier subsidiaries, Camden & Southern Railroad, Inc., and Ouachita Railroad, Inc., but not NLA itself), were subsequently sold by the Robbins brothers (owners of the Trust) to OmniTRAX, pursuant to an exemption under the STB's rules that took effect on May 27, 2026. See STB

no relevance here, as ALJ Soulikias held. If there is anything about NLA that is even arguably relevant to this proceeding that DSRR is continuing to seek in discovery, it would be NLA's *actual* financial condition, not whatever else it may have communicated to, or provided to, OmniTRAX leading up to the acquisition that has now taken effect as a result of the Board's action in FD 36922.

Argument

I.

DSRR HAS NOW PROVIDED NLA'S FINANCIAL RESULTS FOR 2023, 2024, AND 2025; THAT IS ALL THAT IS EVEN CONCEIVABLY RELEVANT HEREIN.

As stated above, and as ALJ Soulikias found (July 2, 2026 Decision at 4), NLA has already provided DSRR's counsel without objection its financial results for 2023 and 2024 and has now provided DSRR's counsel without objection its final 2025 financial results promptly after those results are available. July 2, 2026 Decision at 5-6 (ordering NLA to provide its 2025 financial information to DSRR when that is available); July 8, 2026 email (transmitting NLA's 2025 final financial results to ALJ Soulikias and DSRR's counsel). ALJ Soulikias therefore determined that NLA's production of information about its financial condition was sufficient (*id.*), and that DSRR is not entitled to compel NLA to produce those results in the form DSRR prefers. July 2, 2026 Decision at 3.

It is not even clear that NLA's past financial results are relevant under 49 U.S.C. § 10907 (the feeder-line statute applicable here) or under 49 C.F.R. §

Notice in FD 36922, served May 13, 2026, at 2 (exemption to take effect on May 27, 2026).

1151.3(a)(3),⁵ but rather than argue about that at this discovery stage, NLA without objection, has provided DSRR's counsel with all of the final financial results from 2023 through 2025. That is more than sufficient to satisfy DSRR's unceasing discovery demands.

II.

WHAT NLA COMMUNICATED WITH OMNITRAX IS NOT RELEVANT HERE.

NLA explained (June 25, 2026 Reply at 6 n.8) to ALJ Soulikias that, contrary to DSRR's baseless assumption that OmniTRAX was not interested acquiring NLA because of its financial condition. As NLA also explained, OmniTRAX was not interested in acquiring NLA because it did not want to get involved in this feeder-line proceeding. ALJ accepted that representation of NLA's counsel as logical and concluded that DSRR's assertion about OmniTRAX's supposed belief was baseless. July 2, 2026 Decision at 3.

Despite having no legal or other logical basis for challenging that representation or ALJ Soulikias's acceptance of it, DSRR nevertheless apparently seeks "all" communications and documents NLA may have shared with OmniTRAX. Because DSRR has unquestionably failed to satisfy its obligations under 49 C.F.R. § 1115.1(a)(4) to provide a sufficient basis to NLA and the Board to demonstrate "undue prejudice" to itself from ALJ Soulikias's July 2, 2026 Decision, the Board should find that DSRR has utterly failed to

⁵ See July 2, 2026 Decision (at 2-4) for a useful discussion of the applicable regulatory provisions governing the relevant financial considerations herein, which under the statute and regulation are directed toward the Applicant (LPPC), not the Lessee railroad NLA.

provide any such basis that would warrant any further production of information and documents concerning NLA's financial information in this proceeding. Given that DSRR has had over three and one-half years following its latest acquisition by Patriot Rail to complete discovery, it is past time to move on.

Conclusion

The Board, to its credit, in its Decision herein served May 27, 2026, decided that discovery herein should end on July 6, 2026 and that it would, promptly thereafter, issue a procedural schedule herein. Accordingly, for all the foregoing reasons, the Board should deny DSRR's July 6, 2026 appeal (and its companion letter motion to reopen discovery herein about LPPC's revenues, to which we have already replied separately on July 8, 2026) on the basis that DSRR has had more than sufficient opportunity, over the last five and one-half years, to take all the discovery it could possibly need (and then some), and promptly establish a procedural schedule so that DSRR, at long last, is required to file its Response on the merits to LPPC's Amended Application filed herein on January 4, 2023.

Respectfully submitted,

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/s/Richard H. Streeter

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CERTIFICATE OF SERVICE

I, Richard H. Streeter, do hereby certify that, on July 9, 2026, a true copy of the foregoing with attachment was served on ALJ Soulikias and the following Parties of Record, via email:

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

Delta Southern Railroad, Inc. c/o John M. Scheib
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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@keanmiller.com bryant.bremer@keanmiller.com

Counsel for Helena Chemical/South Delta Fertilizer

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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 sanettria.pleasant2@la.gov 2

(3) County governments where the line is located: East Carroll Parish

Police Jury Kendall Thompson, President Ecpj400@att.net

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