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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, LOUISIANA.

DELTA SOUTHERN RAILROAD, INC.'S MOTION FOR ISSUANCE OF PROCEDURAL SCHEDULE

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MOTION FOR ISSUANCE OF PROCEDURAL SCHEDULE

Delta Southern Railroad, Inc. ("DSRR"), by counsel, hereby files this Motion for Issuance of Procedural Schedule in accordance with the Surface Transportation Board's ("STB" or "Board") decisions dated September 25, 2025 (STB Decision No. 52736) and May 26, 2026 (STB Decision No. 53001).

I. Procedural Background.

By decision dated September 25, 2025, the Board removed this proceeding from abeyance and directed Lake Providence Port Commission ("LPPC" or "Applicant") and DSRR "to meet and confer and submit to the Board (jointly if possible, otherwise separately) by October 9, 2025, a proposed procedural schedule." STB Decision No. 52736 at 8. The parties were unable to reach an agreement on a procedural schedule due to a disagreement over the time period in which DSRR would be permitted to complete discovery.

Thereafter, LPPC and DSRR submitted competing proposals. *See* FD 36447, Doc. Nos. 310279 (DSRR) and 310281 (LPPC).[1] Given various discovery disputes between the parties, the Board assigned and authorized Administrative Law Judge Jennifer Soulikias to address discovery matters. STB Decision No. 52830 (Dec. 11, 2025) at 3. Since then, the parties have engaged in extensive discovery, including multiple witness depositions, subpoena requests, and motions briefing.

On May 27, 2026, the Board set a deadline of July 6, 2026, for the close of discovery. STB Decision No. 53001 (May 26, 2026) at 3. After the close of discovery, the Board indicated that it would notice LPPC's Amended Feeder Line Application ("Amended Application") in the *Federal Register* and issue a procedural schedule in accordance with 49 C.F.R. §§ 1151.2(c), (e), and (f). *Id.*

Days before the close of discovery, LPPC disclosed—for the first time—an unwritten agreement with Northeast Louisiana & Arkansas Railroad, Inc. ("NLA") that purported to amend a lease agreement that would govern the line at-issue in this proceeding if LPPC's Amended Application was granted. In response, DSRR requested leave to reopen the depositions of two individuals previously deposed on behalf of LPPC and NLA to inquire about the alleged amendment to the NLA-LPPC lease. On September 2, 2026, the Board issued a decision granting DSRR's request. STB Decision No. 53180 (Sept. 1, 2026) at 8. Following the completion of the reopened depositions, the parties were directed to notify the Board. *Id.*

DSRR conducted the reopened depositions on September 29, 2026. The next day, DSRR notified the Board. *See* FD 36447, Doc. No. 312602 (DSRR Letter). On October 22, 2026, DSRR

[1] The parties submitted their respective proposals on November 19, 2025. The delay was a result of a lapse in the Board's appropriations from October 1, 2025 to November 12, 2025. *See* STB Decision No. 52830 (Dec. 11, 2025) at 1 n.4.

filed copies of the deposition transcripts and their exhibits with the Board. *See* FD 36447, Doc. No. 312728. Discovery is now complete and the proceeding is ready to advance to the merits stage.

II. **Proposed Procedural Schedule.**

Pursuant to 49 C.F.R. § 1151.2(b)(1), the Board shall "announce the schedule for filing of competing applications and responses" in connection with its publishing a notice in the *Federal Register* accepting the Amended Application. Given the voluminous record in this proceeding, including over 2,000 pages of deposition transcripts and exhibits and more than 5,000 pages of discovery material received over the course of the last three and a half years, DSRR requests the Board adopt the following procedural schedule:

- F – Federal Register date.
- F+30 – Competing applications due.
- F+90 – DSRR's responsive filing due (possibly only on the merits of the public convenience and necessity test and not on the constitutional minimum value).
- F+110 – LPPC's reply due.

This schedule would provide all parties a reasonable period in which to review the record in this matter and file responses and progress this matter to resolution. *See* 49 C.F.R. § 1100.3. *See generally* 49 C.F.R. § 1151.1, *et seq.* DSRR expects its filing will be extensive and robust given the substantial record that will demonstrate that LPPC's claims are false. Indeed, the record that will show that LPPC has failed the public convenience and necessity test so substantially that the Board may benefit and conserve resources by bifurcating its evaluation of that aspect of the case from any consideration of the constitutional minimum because the need to evaluate the constitutional minimum is highly unlikely.

WHEREFORE, for the reasons stated herein DSRR respectfully requests the Board issue a procedural schedule in this proceeding in accordance with the proposed schedule outlined herein.

Respectfully Submitted,

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October 30, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by email on the following:

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Dated: October 30, 2026