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Office of Chief Counsel
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VIA E-FILING

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

Re: **STB Docket No. FD 36836, *Norfolk Southern Corporation & Norfolk Southern Railway Company—Acquisition of Control—Norfolk & Portsmouth Belt Line Railroad Company***

Dear Chief of Case Administration:

CSXT[1] submits this reply to NS's Motion to Strike CSXT's First Status Report ("Motion"), filed on October 26, 2026, in the above-referenced proceeding (the "Control Proceeding"). The Board should deny NS's Motion.

CSXT filed its status report on October 5, 2026, in response to a Board decision in the Related Proceedings directing CSXT to submit status reports "[t]o ensure the Board remains informed regarding the status of the parties' negotiations" concerning access to NIT. Abeyance Decision, slip op. at 3. As directed, CSXT filed the status report in the dockets of the Related Proceedings. CSXT also filed a copy in the Control Proceeding "to help inform the Board's oversight in that matter." (CSXT Status Report 2 n.1.)

The Board's April 6, 2026, decision in the Control Proceeding approving NS's application to acquire control of NPBL, subject to conditions, established a five-year oversight period. NS argues in its Motion that the status report should be struck

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[1] Unless otherwise defined, the acronyms and defined terms used herein are the same as those used in CSXT's first status report, filed on October 5, 2026, in the above-referenced proceeding.

from the docket of the Control Proceeding because the Board did not expressly ask for it to be filed as part of its oversight in that proceeding.

NS's Motion is an unnecessary burden on the Board and the parties. It should be summarily denied. CSXT's status report contained no request for Board action in either the Related Proceedings or the Control Proceeding. It simply informed the Board of recent developments in CSXT's efforts to obtain commercial access to NIT, the primary focus of comments in the Control Proceeding and of the conditions established in the Board's April 6, 2026, decision providing control authority. The status report created no obligation on NS to file a responsive pleading, and it imposed no burden on NS or NPBL.

The information in CSXT's status report is clearly relevant to the issues that are the subject of the Board's oversight of the Control Proceeding. Among other things, the Board approved NS's control application subject to the condition that NS adhere to certain representations made on the record, including that "NS will continue to adhere to NPBL's century old governance principles to be an impartial terminal railroad" and that "[n]o existing rights of CSXT or NPBL will be reduced or limited in any way." Control Decision, slip op. at 31. CSXT's ongoing efforts to use NPBL as an "impartial terminal railroad" to access NIT are directly relevant to the Board's oversight of NS's implementation of its control authority.

At bottom, NS is improperly trying to put blinders on the Board as it carries out its oversight function. In doing so, NS misconstrues the purpose of Board oversight generally, as well as the specific purpose of the oversight process that the Board established in this Control Proceeding. Oversight was expressly intended here to monitor the existing competitive landscape, with the Board concluding that "a requirement that NS adhere to its commitments, combined with more intensive monitoring during an oversight period, are sufficient to ensure that the competitive balance remains the same going forward." *Id.*, slip op. at 23. The Board made it clear that oversight was key to avoiding harm that might otherwise result from NS's control of NPBL. As the Board stated, NS's commitments, "combined with regulatory oversight that is available by statute both during and after the oversight period, could help to undo any unforeseen, adverse impact of the Board's approval of NS's application." *Id.*, slip op. at 30. NS should not be permitted to frustrate the Board's oversight by artificially restricting Board access to relevant information. NS's Motion should be denied.

Please contact me with any questions.

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Respectfully submitted,

/s/ Peter W. Denton
Peter W. Denton
Attorney for CSX Transportation, Inc.

cc: Parties of record

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CERTIFICATE OF SERVICE

I hereby certify that I have caused this Reply in Docket No. FD 36836 to be served electronically or by first class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, Administrative Law Judge Jenifer Soulikias, Applicants' representative, William Mullins, and all parties of record in this proceeding.

/s/ Sally Mordi
Sally Mordi
Attorney for CSX Transportation, Inc.

November 16, 2026