

April 4<sup>th</sup>, 2026Response To Surface Transportation Board Order of 23<sup>rd</sup> March 2026

Docket FD\_36899

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

## THE PITTSBURG OWNER LPV, LLC – PETITION FOR DECLARATORY ORDER

In its order of March 23<sup>rd</sup>, 2026, the Surface Transportation Board ordered the following:

- (1) ORDERED JONATHAN ELTON TO RESPOND TO CERTAIN ISSUES BY APRIL 6, 2026, OR IN THE ALTERNATIVE THE PITTSBURG OWNER LPV, LLC MAY RESUBMIT ITS PETITION FOLLOWING CERTAIN CONDITIONS; AND (2) HELD THIS PROCEEDING IN ABEYANCE PENDING FURTHER ORDER OF THE BOARD.

Please find our responses to the order below:

Representational Capacity

Two documents are submitted to ensure representational capacity as follows:

1. A resubmission of the Petition memorandum signed by a Vice President of The Pittsburg Owner LPV, LLC, "TPO" Mr. C. Evan Knapp.
2. A supporting Authorization Resolution of the Managing Member authorizing Mr. Knapps' position as Vice President.

At this time, we have not resubmitted the exhibits previously emailed on 8<sup>th</sup> December but would be happy to do so if required.

Submission

We would like to take this opportunity to address the comment that two submissions have been made by TPO as we believe there may be a different understanding of the process behind this. Please find below a chronology of the submission:

On December 4<sup>th</sup>, 2025, I made a submission to the Surface Transportation Board via the website under docket number AB 1345, which has previously been provided by Surface Transportation staff. The submission was acknowledged by an eservice email the same day. I am happy to provide that acknowledgment email if required.

Subsequently there was an email exchange, which can be summarized as follows. I am happy to provide the actual exchange if required.

On December 5th, 2025, Jeff Herzig, Surface Transportation Board, Office of Chief Counsel, Section of Case Administration confirmed “the Petition for Declaratory Order you e-filed yesterday will be processed with yesterday’s date, but it will be filed under FD 36899, not AB 1345.”

On December 6th, 2025, I replied “Many thanks for the update. Would you like me to send you the documents with the new filing reference in a pdf format? Would not take me long to do that.” My aim was to be helpful with the application.

On December 8th, 2025, Jeff Herzig replied “That would be great. You can just email us back an updated version.”

On December 8th, 2025, I emailed the updated documents including the exhibits with the new filing reference and confirmed that there were some very minor text changes as a result.

On December 9<sup>th</sup>, 2025, Jeff Herzig replied “Thanks, Jonathan, it’s been processed and it will be reviewed by the Board.”

The updated documents incorporating the new filing reference and minor text changes were therefore in response to the filing reference change, there was no other intent or motivation behind this. Our understanding is that this was not a second separate submission, but an update of the original given the email exchange with Jeff Herzig on December 8th, 2025, “You can just email us back an updated version.”

TPO has no amendments to make to the updated version with the filing reference of FD 36899 emailed back to Jeff Herzig.

Three documents are submitted at this time as follows:

1. This document with our responses.
2. A resubmission of the Petition memorandum signed by a Vice President of The Pittsburg Owner LPV, LLC, “TPO” Mr. C. Evan Knapp.
3. A supporting Authorization Resolution of the Managing Member authorizing Mr. Knapps’ position as Vice President.

We would be delighted to explain further and/or discuss any of the issues raised at any if that is helpful to the Board in their deliberations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JME' with a stylized flourish at the end.

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Dated: 4th April 2026