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August 10, 2023

Via Alternative Electronic Filing

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street S.W.
Atlanta, GA 30334-5701

RE: Amended Petition For Approval to Acquire Real Estate By Condemnation
In Re: Sandersville Railroad Company; Hancock County, Georgia
Acquisition; Docket No. 45045

Dear Ms. Tanner:

For filing in the above-styled docket, please find the enclosed *Objections and Responses to the Hearing Officer's Subpoena to Testify and Duces Tecum* on behalf of Sandersville Railroad Company. As required by the electronic filing procedures, a physical copy of this filing will be mailed to the Commission. Thank you for your attention to this matter.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,



L. Craig Dowdy
For TAYLOR ENGLISH DUMA LLP

LCD:wf
Enclosure

cc: Nancy G. Gibson (w/encl.)
Rob Trokey (w/encl.)
Steven L. Jones (w/encl.)
Robert Highsmith/Laura Flint (w/encl.)

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Don and Sally Garrett (w/encl.)
Blaine and Diane Smith (w/encl.)
Grant E. McBride, Esq. (w/encl.)
Elizabeth L. Sanz/Renee D. Flaherty (w/encl.)
Marvin and Pat Smith (w/encl.)
William R. Maurer (w/encl.)

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

In re: Sandersville Railroad Company; Hancock County, Georgia Acquisition	**Docket No.: 45045**

OBJECTIONS AND RESPONSES TO THE HEARING OFFICER'S SUBPOENA TO TESTIFY AND DUCES TECUM

Sandersville Railroad Company ("Sandersville Railroad"), a corporation owning and operating a railroad in the State of Georgia, files these Objections and Responses to the Hearing Officer's Subpoena to Testify and Duces Tecum as follows:

INTRODUCTION

1.

On Friday, July 21, 2023, Robert Baker, counsel for Respondents, sent a letter to the Hearing Officer requesting the Commission issue Data Requests to Sandersville Railroad on behalf of Mr. Baker's clients, the Respondents in the above matter.[1] Mr. Baker's letter, however, does not appear in the above-styled docket. On July 25, 2023, Grant McBride, on behalf of the same Respondents, filed in the docket substantially similar purported Data Requests to Sandersville Railroad.

2.

The Procedural and Scheduling Order and Notice of Hearing ("PSO") in this matter states plainly that the parties to this proceeding have a right "to Subpoena

[1] This letter was conveyed by email by Renée D. Flaherty, an attorney for the Institute for Justice and Mr. Baker's co-counsel, but the letter clearly was signed electronically by Mr. Baker.

witnesses and **documentary evidence**." (PSO, p. 4 (emphasis added)). Mr. Baker's and Mr. McBride's clients do not have the right to propound Interrogatories under the PSO, the Commission rules, the Georgia Administrative Procedure Act, or any applicable statute. *E.g.*, *id.*

3.

The PSO clearly provides that the "Parties may submit Subpoenas with the Commission's Executive Secretary" on September 14, 2023 and that "Objections to any Subpoenas must be filed with the Commission['s] Executive Secretary" on September 28, 2023.

4.

The PSO further requires "[R]esponses to Subpoenas . . . be filed with the Executive Secretary" on October 26, 2023. **Therefore, under the PSO, Sandersville Railroad has the right to respond to the purported Data Requests and any requested Subpoenas on or before that date**.

5.

Despite the PSO's unambiguous deadlines, on July 26, 2023, and prior to Sandersville Railroad providing a substantive response to the purported Data Requests, the Hearing Officer issued her Subpoena to Testify and Duces Tecum (the "Subpoena"), which is substantively similar to the Respondents' proposed Data Requests, though the Interrogatories have been rephrased as Requests for Production of Documents or a general duces tecum (each a "Duces Tecum").

GENERAL OBJECTIONS

6.

Sandersville Railroad objects to the Subpoena to the extent that it does not follow the deadlines of the PSO and deprives Sandersville Railroad of its right, under the PSO, to respond to the purported Data Requests of the Respondents.

7.

Sandersville Railroad objects to the Subpoena to the extent that it does not afford Sandersville Railroad adequate time to respond to each Duces Tecum and requires production of documents in a shorter time than required under the PSO, thereby subjecting Sandersville Railroad to different obligations and deadlines than those that would be imposed on other parties to this docket that file Subpoenas with the Commission's Executive Secretary.

8.

Sandersville Railroad objects to the Subpoena to the extent that each Duces Tecum set out therein fails to limit the requests to documents relevant to the purview of the Commission under applicable law.

9.

Sandersville Railroad objects to the Subpoena to the extent that it seeks documents or information that are already in the possession, custody, or control of the Respondents and/or the Commission and/or otherwise publicly available.

10.

Sandersville Railroad objects to the Subpoena to the extent that each Duces

Tecum is vague, ambiguous, overly broad, unduly burdensome, and/or not reasonably limited in temporal scope.

11.

Sandersville Railroad objects to the Subpoena to the extent that a full and complete response to each Duces Tecum would subject Sandersville Railroad to undue burden and expense. In particular, Sandersville Railroad objects to the Subpoena to the extent that each Duces Tecum purports to impose on Sandersville Railroad a duty to search for information beyond a reasonably diligent search of its files where potentially responsive information would be expected to be found. To the extent that a full and complete response to each Duces Tecum would require Sandersville Railroad to search electronic data in its possession, custody, or control without regard to the time such data was created, the person creating or maintaining such data, the expense and burden of locating, obtaining, and reviewing such data, or the likely relevance (if any) of such information, Sandersville Railroad objects that the Duces Tecum would subject it to undue and unreasonable burden and expense.

12.

Sandersville Railroad objects to the Subpoena to the extent each Duces Tecum seeks documents that are protected from discovery by the attorney-client privilege, the attorney work-product doctrine, or any other privilege or immunity recognized by law. The inadvertent production by Sandersville Railroad of any document containing information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable protection or privilege shall not constitute a

waiver by Sandersville Railroad of any such protection or privilege.

13.

Sandersville Railroad objects to each Duces Tecum to the extent that each fails to describe the documents or information sought with reasonable particularity.

14.

Sandersville Railroad objects to each Duces Tecum to the extent that each contains words and/or phrases that are not defined, thereby rendering each Duces Tecum vague, ambiguous, overly broad, and/or unintelligible.

15.

None of the objections or responses contained herein, or the production of any document or information in response to any Duces Tecum, is an admission concerning the relevance or admissibility of any document or the truth or accuracy of any statement or characterization contained in each Duces Tecum. Sandersville Railroad retains the right to object on the grounds of competency, privilege, relevance, or otherwise to the use of the documents or information that it provides.

16.

Sandersville Railroad objects to each Duces Tecum to the extent that each requests confidential and/or trade secret information.

17.

Sandersville Railroad objects to each Duces Tecum to the extent that the purported Data Requests (the models for each Duces Tecum) are designed to harass, embarrass, or place an undue burden on Sandersville Railroad.

18.

Sandersville Railroad states that its response to each Duces Tecum is based on documents and information currently available and obtained after a reasonably diligent search of the documents and information in its possession, custody, or control. Sandersville Railroad reserves the right to supplement and/or amend its responses to each Duces Tecum within the period permitted by the PSO and/or in the event that additional documents or information are discovered in the course of discovery and preparation for the hearing in this matter.

19.

Sandersville Railroad objects to each Duces Tecum to the extent that it seeks information not germane to the issues presented to the Commission in this docket. *Central of Georgia Railroad Company v. Georgia Public Service Commission*, 257 Ga. 217, 219, 356 S.E.2d 865, 866 (1987) ("The Commission, in ruling on the propriety of a condemnation of property by a railroad . . . should seek to determine whether the condemnation serves a public purpose, not whether the condemnation 'best serves' the public interest . . . . If the purpose of the Commission's review was to determine the best site for railroad expansion, then the review should logically cover expansion on land acquired by the railroad through gift and purchase as well as condemnation. The review does not extend to such expansion.").

SPECIFIC OBJECTIONS AND RESPONSES

20.

Subject to and without waiving the foregoing general objections ("Sandersville

Railroad's General Objections"), Sandersville Railroad responds to each Duces Tecum of the Subpoena as follows, with all of Sandersville Railroad's General Objections incorporated by reference into each response:

DUCES TECUM NO.: 1. Please provide any documents related to or relied upon with respect to providing funds to construct the proposed Hanson Spur.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 1 on the grounds that it is vague and ambiguous as to what documents are "related to or relied upon with respect to providing funds to construct the proposed Hanson Spur." Additionally, this Duces Tecum requests immaterial information because the main inquiry of this proceeding is whether the spur will serve a public use. Notwithstanding and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad states that it will fully fund the construction of the proposed Hanson Spur.

DUCES TECUM NO.: 2. Please also provide a copy of any contracts, memorandum of understanding, written commitment, promises, or other similar documents memorializing the intent or obligation of any customer to use the Hanson Spur, including any drafts of such documents.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 2 on the ground that it calls for the production of information that is trade secret, as defined by O.C.G.A. § 10-1-761(4) and protected under O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Additionally, drafts of any documents requested by the foregoing Duces Tecum are in no way relevant to whether the proposed spur serves a public purpose and will not be produced. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad will produce the requested final documents to Commission Staff pursuant to O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Additionally, Sandersville Railroad will produce any such requested documents to the parties to this matter and/or their attorneys that execute a non-disclosure agreement acceptable to Sandersville Railroad in its discretion.

DUCES TECUM NO.: 3. Please provide a copy of any market survey in your possession or control, as well as any documents relied upon or supporting such any market survey for each entity or customer expected to use the Hanson Spur.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 3 on the grounds that it is vague, ambiguous, and not relevant to the subject matter of this proceeding. Specifically, but without exclusion, the term "market survey" is not defined. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad states that it has no such surveys in its possession, custody, or control and makes reference to the pre-filed direct testimonies of Messrs. Jeff Custer, Scott Dickson, Arnie Pittman, and Cale Veal.

DUCES TECUM NO.: 4. Please provide any documents related to or relied upon that Sandersville Railroad has for each customer's estimated volume of material that will move along the Hanson Spur.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 4 on the grounds that it is unclear what it means to "relate[] to or rel[y] upon" a document. Additionally, the Duces Tecum is overly broad in seeking "any documents" without further specificity. Sandersville Railroad further objects to Duces Tecum No.: 4 on the ground that it calls for the production of information that is trade secret, as defined by O.C.G.A. § 10-1-761(4) and protected under O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad will produce the requested documents to Commission Staff pursuant to O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Additionally, Sandersville Railroad will produce any such requested documents to the parties to this matter and/or their attorneys that execute a non-disclosure agreement acceptable to Sandersville Railroad in its discretion. Responding further, Sandersville Railroad makes reference to the pre-filed direct testimonies of Messrs. Jeff Custer, Scott Dickson, Arnie Pittman, and Cale Veal.

DUCES TECUM NO.: 5. Please provide any documents related to any customer's expected destination market or markets for materials moved by each customer Sandersville Railroad expects to use the Hanson Spur.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 5 on the ground that it is unclear what is meant by "markets for materials moved by each customer," especially when these customers ship across the country. Additionally, the Duces Tecum is overly broad in seeking "any documents" without further specificity. Sandersville Railroad further objects to Duces Tecum No.: 5 on the ground that it calls for the production of information that is trade secret, as defined by O.C.G.A. § 10-1-761(4) and protected under O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad will produce the requested documents to Commission Staff pursuant to O.C.G.A. § 50-18-72(a)(34) and

Commission Utility Rule 515-3-1-.11(c). Additionally, Sandersville Railroad will produce any such requested documents to the parties to this matter and/or their attorneys that execute a non-disclosure agreement acceptable to Sandersville Railroad in its discretion. Responding further, Sandersville Railroad makes reference to the pre-filed direct testimonies of Messrs. Jeff Custer, Scott Dickson, Arnie Pittman, and Cale Veal.

DUCES TECUM NO.: 6. Please provide copies of any documents relating to the rail services needed for each customer Sandersville Railroad expects to use the Hanson Spur, including the frequency of service and extra switching services.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 6 on the grounds that it is vague and ambiguous because it does not define "rail services," "service," or "switching service." Sandersville Railroad further objects to Duces Tecum No.: 6 on the ground that it calls for the production of information that is trade secret, as defined by O.C.G.A. § 10-1-761(4) and protected under O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad will produce the requested documents to Commission Staff pursuant to O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Additionally, Sandersville Railroad will produce any such requested documents to the parties to this matter and/or their attorneys that execute a non-disclosure agreement acceptable to Sandersville Railroad in its discretion. Responding further, Sandersville Railroad makes reference to the pre-filed direct testimonies of Messrs. Jeff Custer, Scott Dickson, Arnie Pittman, and Cale Veal and the documents that will be produced in response to Duces Tecum No.: 2.

DUCES TECUM NO.: 7. For materials expected to be moved along the Hanson Spur, please provide any analysis, study, or communications regarding the economic feasibility of using trucks, as opposed to rail, to move such materials.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 7 on the ground that it is overly broad because it asks for "**any** analysis, study, or communications," even if they do not relate to moving materials "along the Hanson Spur." (emphasis added). Additionally, Duces Tecum No.: 7 does not define "regarding." Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad makes reference to the pre-filed direct testimonies of Messrs. Jeff Custer, Scott Dickson, Arnie Pittman, and Cale Veal and the documents that will be produced in response to Duces Tecum No.: 2. Responding further, Sandersville Railroad states that it relies on its many years of expertise to aid in its business decisions and does not conduct economic feasibility analysis or studies on behalf of its customers or potential customers. Accordingly, no such analysis,

studies, or communications are in the possession, custody, or control of Sandersville Railroad.

DUCES TECUM NO.: 8. In Paragraph 3 of the Amended Petition, Sandersville Railroad states that the Hanson Spur "will permit (a) Heidelberg Materials to send by rail approximately five hundred thousand (500,000) additional tons of aggregate per year from the Hanson Quarry." Please provide documentation of the factual basis for this assertion. Your answer should include any document containing information regarding the current tonnage output from the Hanson Quarry and any document addressing whether, or to what extent, the production of such additional tons is dependent on an expansion of Hanson Quarry.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 8 on the grounds that "documentation of the factual basis" is vague and ambiguous and it is not relevant to the subject matter of this proceeding. Sandersville Railroad further objects to Duces Tecum No.: 8 on the ground that it calls for the production of information that is trade secret, as defined by O.C.G.A. § 10-1-761(4) and protected under O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad will produce the requested documents to Commission Staff pursuant to O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Additionally, Sandersville Railroad will produce any such requested documents to the parties to this matter and/or their attorneys that execute a non-disclosure agreement acceptable to Sandersville Railroad in its discretion. Responding further, Sandersville Railroad makes reference to the pre-filed direct testimony of Mr. Scott Dickson and the documents that will be produced in response to Duces Tecum No.: 2. Responding further, Sandersville Railroad states that it relies upon the expertise of its potential customers for information regarding their business and this Duces Tecum incorrectly presumes that Sandersville Railroad is an expert or experienced in the businesses of its prospective customers.

DUCES TECUM NO.: 9. Please provide any documentation as to the nature and amount of such interest for each person identified: Benjamin Tarbutton or any shareholders, owners, or officers of Sandersville Railroad own stock, shares, bonds, or other interests in Southern Chips LLC (or any other timber producers indicated in Paragraph 3 of the Amended Petition); Pittman Construction Company; Heidelberg Materials; Veal Farms Transload, LLC;

Revive Millings, LLC; or any of the "other shipper[s] on property adjacent to the Hanson Spur" discussed in the Amended Petition or identified as a potential customer since the Amended Petition was filed?

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 9 on the ground that it requests information that is not in the possession, custody, or control of Sandersville Railroad. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad states that no such documents are in the possession, custody, or control of Sandersville Railroad.

DUCES TECUM NO.: 10. Please provide documentation that describes which of the potential customers noted in Paragraph 3 of the Amended Petition, and which of any potential customers identified since the Amended Petition was filed, will be able to load products directly to rail using the Hanson Spur. Please include any documents which provide the locations along the Hanson Spur at which such potential customers will be able to load their products, and the expected markets for such products.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 10 on the grounds that it is ambiguous and "directly to rail" is not defined. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad makes reference to the pre-filed direct testimonies of Messrs. Jeff Custer, Scott Dickson, and Cale Veal.

DUCES TECUM NO.: 11. Please provide any documents related to or relied upon to provide the factual basis for your assertion in Paragraph 3 of the Amended Petition that the Hanson Spur will reduce the number of trucks that would otherwise be required to move products on Hancock County roads.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 11 on the grounds that it is vague and ambiguous because "related to and relied upon" is not defined. Sandersville Railroad states that it relies upon the expertise of its potential customers for information regarding their business and this Duces Tecum incorrectly presumes that Sandersville Railroad is an expert or experienced in the businesses of its prospective customers. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad refers to the pre-filed direct testimonies of Messrs. Jeff Custer, Scott Dickson, Arnie Pittman, Benjamin J. Tarbutton, III, and Cale Veal, and the documents that will be produced in response to Duces Tecum No.: 2.

DUCES TECUM NO.: 12. Please provide any documents related to or relied upon to provide the factual basis for your assertion in Paragraph 4 of the Amended Petition that the train providing Sandersville Railroad's switching service will make approximately one round trip daily between CSXT and the Hanson Quarry during normal business hours, and that the train will travel less than 20 miles per hour.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 12 on the grounds that it is vague and ambiguous because it does not define "related to or relied upon." Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad will produce any documents responsive to this request that are in its possession, custody, or control.

DUCES TECUM NO.: 13. Please provide any documents related to or relied upon to form the factual basis for your assertion in Paragraph 5 of the Amended Petition that the Hanson Spur will create at least one and a half million dollars ($1,500,000.00) in annual direct economic impact in Hancock County. Please provide documents related to the Project Parcels which Sandersville Railroad has in fact acquired or has written or verbal agreements to acquire.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 13 on the ground that it is a compound question requesting documents that are not related to each other. With respect to the first sentence of Duces Tecum No.: 13, Sandersville Railroad states that it relies upon the expertise of its potential customers for information regarding their business and this Duces Tecum incorrectly presumes that Sandersville Railroad is an expert or experienced in the businesses of its prospective customers. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad makes reference to the pre-filed direct testimonies of Messrs. Jeff Custer, Scott Dickson, Allen Haywood, Arnie Pittman, Benjamin J. Tarbutton, III, and Cale Veal regarding the positive economic effects of the Hanson Spur.

With respect to the second sentence of Duces Tecum No.: 13, Sandersville Railroad objects to Duces Tecum No.: 13 insofar as it requests the production of documents that are publicly available or already in the possession, custody, or control of Respondents. Sandersville Railroad objects to this Duces Tecum insofar as it asks for "documents related to . . . verbal agreements," when by their nature no documents exist of such agreements. Sandersville Railroad further objects to the second sentence of Duces Tecum No.: 13 on the ground that it calls for the production of information that is confidential or trade secret, as defined by O.C.G.A.

§ 10-1-761(4) and protected under O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Additionally, Sandersville Railroad objects to the second sentence of Duces Tecum No.: 13 on the ground that it is not germane to whether the spur serves a public purpose and the requested documents could be used by the Respondents to harass or embarrass the parties that have agreed to or have already conveyed to Sandersville Railroad the right of way necessary for the spur. Accordingly, the requested documents will not be produced.

DUCES TECUM NO.: 14. Please identify and describe any analysis Sandersville Railroad has conducted regarding the historical importance of each of the Project Parcels. Please provide any documents related to or relied upon to provide your answer.

RESPONSE: Sandersville Railroad objects to the first sentence of Duces Tecum No.: 14 on the grounds that it requests Sandersville to "identify and describe" certain things rather than produce documents in response to a subpoena.

Sandersville Railroad objects to the second sentence of Duces Tecum No.: 14 on the grounds that is vague and ambiguous because it does not define "any analysis" or "historical importance." Additionally, Sandersville Railroad objects to Duces Tecum No.: 14 on the ground that it is not germane to whether the spur serves a public purpose and, consequently, the requested documents will not be produced.

DUCES TECUM NO.: 15. Please provide any documents related to or relied upon for any analysis Sandersville Railroad has conducted regarding the benefit of the Hanson Spur versus the concomitant disruption of the status quo.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 15 on the grounds that it is vague and ambiguous because it does not define "related to or relied upon." Additionally, Sandersville Railroad objects to Duces Tecum No.: 15 because it contains a legal conclusion presupposing that the test for whether the Hanson Spur is a public use is the weighing of "the benefit of the Hanson Spur versus the concomitant disruption of the status quo." Further, it is unclear what the "status quo" is or whether "concomitant disruption of the status quo," in an economically depressed community, is in and of itself a public benefit. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad states that it has no documents "related to or relied upon for an[] analysis" conducted by Sandersville Railroad specifically "regarding the benefits of the Hanson Spur versus the concomitant disruption of the status quo." Additionally, those channels of trade are efficient, environmentally friendly, and economically beneficial to small businesses, farmers, and industries in east middle Georgia. Sandersville further states that the Hanson Spur will not impact or diminish the

ability of landowners to continue to fruitfully use the remainder of their property for their current uses. The status quo is not interrupted by the acquisition of the Project Parcels because the acquisition of the Project Parcels will only involve between 2.63% to 7.02% of the land owned by each affected Respondent. Responding Further, Sandersville Railroad makes reference to the pre-filed direct testimonies of the Messrs. Jeff Custer, Scott Dickson, Allen Haywood, Arnie Pittman, Benjamin J. Tarbutton, III, Gregory D. Teague, and Cale Veal for more information regarding the public benefit of the Hanson Spur in providing channels of trade.

DUCES TECUM NO.: 16. Please provide any documents related to or relied upon for any analysis Sandersville Railroad has conducted on the health effects of the Hanson Spur on the residents of Hancock County, Georgia. Please include any documentation with respect to the phrase "health effects" includes, without limitation, any physical or psychological effects caused by the Hanson Spur.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 16 on the grounds that it is vague and ambiguous where "health effects" is not defined and neither is "analysis." Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad states that no responsive documents are within its possession, custody, or control. Notwithstanding the forgoing, Sandersville Railroad shows that, while it does not have a study specific to the Hanson Spur and its health benefits for the region, the reduction in truck traffic resulting from the Hanson Spur and the corresponding reduction in CO2 emissions will have a net positive effect on the health of the community and the reduction in truck traffic will improve road safety.

DUCES TECUM NO.: 17. Please provide any documents related to or relied upon to recount any communications with residents of Hancock County to come onto their land to survey for the construction of the Hanson Spur.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 17 on the grounds that it is vague, ambiguous, and not related to the subject matter of this proceeding. Specifically, this Duces Tecum has no bearing on whether the Hanson Spur serves a public purpose. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad states that under O.C.G.A. § 4-8-100(1), it is "empowered . . . [t]o cause examinations and surveys to be made for [a] proposed railroad as shall be necessary for the selection of the most advantageous route, and, by its officers, agents, servants, or employees, to enter upon the land or water of any person for that purpose . . . ."

DUCES TECUM NO.: 18. Please provide any documents related to any services or improvements, including but not limited to modifications or improvements to tracks, property, or other rail services, CSXT must make that will be necessary for the successful operation of the Hanson Spur.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 18 on the grounds that it is vague and ambiguous because it does not define "any services or improvements." Sandersville Railroad further objects to Duces Tecum No.: 18 on the grounds that it calls for the production of information that is trade secret, as defined by O.C.G.A. § 10-1-761(4) and protected under O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad will produce the requested documents to Commission Staff pursuant to O.C.G.A. § 50-18-72(a)(34) and Commission Utility Rule 515-3-1-.11(c). Additionally, Sandersville Railroad will produce any such requested documents to the parties to this matter and/or their attorneys that execute a non-disclosure agreement acceptable to Sandersville Railroad in its discretion. Responding further, Sandersville Railroad makes reference to the pre-filed direct testimony of Mr. Gregory D. Teague.

DUCES TECUM NO.: 19. Please provide any feasibility analysis, study, or communications produced or analyzed for the Hanson Spur project.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 19 on the grounds that it is vague and ambiguous because it does not define "feasibility analysis" and does not limit the studies or communications requested accordingly. Sandersville Railroad further objects to Duces Tecum No.: 19 because it is not germane to whether the spur serves a public purpose. Sandersville Railroad objects to this Duces Tecum as duplicative of the analyses requested in Duces Tecum No.: 7. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad makes reference to the pre-filed direct testimony of Mr. Gregory D. Teague.

DUCES TECUM NO.: 20. Please provide a copy of all communications with each owner or person having ownership or any other property interest in each of the Project Parcels.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 20 on the grounds that it is overly broad by asking for "all" communications without any limitation and not germane to the issues before the Commission in this docket. Sandersville Railroad further objects to Duces Tecum No.: 20 on the grounds that it requests documents that are publicly available or already in the possession, custody, or control of Respondents.

DUCES TECUM NO.: 21. Please produce a copy all documents relating to the determination of the selected route for the Hanson Spur, including but not limited to the considerations asserted on Page 2 of the Memorandum attached to the Amended Petition as Exhibit A (it "conform[s] with railroad design standards, minimize[s] impacts to wetlands and streams, avoid[s] environmentally sensitive areas near the upper Ogeechee River northeast of the planned route, and give[s] wide berth to occupied dwellings") as well as documents related to any change or changes to the selected route of the Hanson Spur since the inception of the project.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 21 on the grounds that it is overly broad because it does not define what type of "documents relat[e] to the determination of the selected route" and is not relevant to whether the proposed spur serves a public purpose. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad makes reference to the pre-filed direct testimony of Mr. Gregory D. Teague and the exhibits thereto.

DUCES TECUM NO.: 22. Please provide any documents concerning the construction, design, cost, and effects of the Hanson Spur project, including but not limited to the proposed berms described in page 2 of the Memorandum attached to the Amended Petition as Exhibit A, and the proposed "at grade crossing" described in Paragraph 8 of the Amended Petition.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 22 on the grounds that it is vague, ambiguous, and not related to the subject matter of this proceeding. Specifically, this Duces Tecum has no bearing on whether the Hanson Spur serves a public purpose. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad makes reference to the pre-filed direct testimony of Mr. Gregory D. Teague and the exhibits thereto.

DUCES TECUM NO.: 23. Please provide any documents concerning the effect of the Hanson Spur on the environment of Hancock County, including, without limitation, any effects on water, wetlands, soil, pollutants, litter, and light pollution.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 23 on the grounds that it is overly broad by asking for "any documents concerning the effect" of the Spur on the undefined "environment of Hancock County." Sandersville objects to

this Duces Tecum because it asks for documents concerning a topic not at issue in this proceeding. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad states that no responsive documents are within its possession, custody, or control concerning the specific scope of the "effect of the Hanson Spur on the environment of Hancock County." Sandersville Railroad makes reference to the pre-filed direct testimonies of Messrs. Benjamin J. Tarbutton, III, Gregory D. Teague, and Cale Veal and the exhibits thereto.

DUCES TECUM NO.: 24. Please provide any documents concerning the prevention, mitigation, evacuation, and clean-up plans in the event of a derailment or accident on the Hanson Spur.

RESPONSE: Sandersville Railroad objects to Duces Tecum No.: 24 on the grounds that it is vague, ambiguous, and not related to the subject matter of this proceeding. Subject to and without waiving the foregoing or Sandersville Railroad's General Objections, Sandersville Railroad shows that a train will travel the Hanson Spur only once per day at twenty miles per hour (20 mph) or less and has no plan of carrying hazardous materials. At such speeds and over such a short distance, the risk of derailment is extremely low. Additionally, since Sandersville Railroad will not be carrying any hazardous material and the Hanson Spur by design is not contiguous with any environmentally sensitive areas such as wetlands or watercourses, the risk of "contamination" is extremely low. Additionally, Sandersville Railroad objects to the second sentence of Duces Tecum No.: 14 on the ground that it is not germane to whether the spur serves a public purpose and, consequently, the requested documents will not be produced. Responding further, Sandersville Railroad makes reference to the pre-filed direct testimonies of Messrs. Benjamin J. Tarbutton, III and Gregory D. Teague and the exhibits thereto.

21.

WHEREFORE, Sandersville Railroad prays that these Objections and Responses to the Hearing Officer's Subpoena to Testify and Duces Tecum be considered and its objections ruled on prior to the date for Sandersville Railroad to produce the requested documents under the Subpoena and that Sandersville Railroad be granted relief from the Subpoena to the extent it requests objectionable documents and does not comply with the PSO.

This 10th day of August 2023.



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BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

In Re: Sandersville Railroad Company's Petition For Approval to Acquire Real Estate by Condemnation	**Docket No.: 45045**

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing **OBJECTIONS AND RESPONSES TO THE HEARING OFFICER'S SUBPOENA TO TESTIFY AND DUCES TECUM** upon the following persons by causing electronic copies of the same to be transmitted to each party that has supplied a valid email address and upon all other parties via first class mail with adequate postage affixed thereon and deposited in the United States Mail addressed as follows:

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This 10th day of August 2023.



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