

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com

May 11, 2009

**Filed Electronically
Confirmed Via Hand Delivery**

James McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265


**In Re: Vollmer Motor Sales, Inc. vs. Norfolk Southern Railway Company; New Brighton Borough-Solicitor; Beaver County-Solicitor; and Commonwealth of Pennsylvania, Department of Transportation.
PUC Docket No. C-20077423**

Dear Sir:

Attached is a Certificate of Satisfaction for filing on behalf of Norfolk Southern Railway Company in the above-referenced matter. In accordance with the accompanying Certificate of Service, we are providing a copy of this document to all parties of record. A hard copy of the attached document will be hand delivered to the Filing Office.

In addition, pursuant to 52 Pa. Code § 5.24(b), notice of the filing of this Certificate of Satisfaction has been provided to the Complainant as set forth in the attached Notice. If you have any questions, please do not hesitate to contact our office.

Sincerely yours,


Jeannette Chelgren, Secretary to
Benjamin C. Dunlap, Jr., Esquire

Enclosures

cc: All Parties of Record (w/enc.)
Administrative Law Judge Robert P. Meehan (w/enc.)
Timothy J. Bentley, III, Esquire (w/enc.)
Thomas Heinrich (w/enc.)
Joseph G. Pizarchick, Director, Bureau of Mining & Reclamation (w/enc.)
Susan Shinkman, Esq., Office of Chief County, Dept. Of Environmental Protection (w/enc.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Vollmer Motor Sales, Inc., Complainant	:	
	:	
v.	:	Docket No. C-20077423
	:	
Norfolk Southern Railway Company; New	:	
Brighton Borough-Solicitor; Beaver County-	:	
Solicitor; Commonwealth of Pennsylvania,	:	
Department of Transportation	:	

CERTIFICATE OF SATISFACTION

I, Thomas Heinrich, Engineer Structures, of Norfolk Southern Railroad Company (“Norfolk Southern”), hereby certify as follows, pursuant to 52 Pa. Code § 5.24(b), in regard to the above-referenced Complaint filed on February 26, 2007:

1. In its Complaint, Vollmer Motor Sales, Inc. (“Vollmer”) stated that water was “running from the railroad property onto our parking lot” Complaint ¶ 3.
2. Following site meetings regarding the issue, Norfolk Southern located and cleaned out three culverts upstream from Vollmer.
3. This work allowed storm water to flow to other destinations as directed by the culverts.
4. Vollmer has informed Norfolk Southern, through the Commission’s Bureau of Transportation & Safety, that the aforementioned work performed by Norfolk Southern has resolved and satisfied the issues raised in its Complaint and that Vollmer no longer wishes to pursue the Complaint.
5. Norfolk Southern requests that this matter be closed by the Commission.

I certify that the information contained herein is true and correct to the best of my knowledge, information and belief. This Certificate is made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.



Thomas Heinrich
Engineer Structures
Norfolk Southern Railway Company

Date: 5/11/09

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Vollmer Motor Sales, Inc., Complainant	:	
	:	
v.	:	Docket No. C-20077423
	:	
Norfolk Southern Railway Company; New	:	
Brighton Borough-Solicitor; Beaver County-	:	
Solicitor; Commonwealth of Pennsylvania,	:	
Department of Transportation	:	

CERTIFICATE OF SERVICE

I hereby certify that I served one (1) copy of the foregoing Certificate of Satisfaction of Norfolk Southern Railway Company, in the above action, this day by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

Vollmer Motor Sales, Inc.
2249 Third Avenue
New Brighton, PA 15066

Andrea Cantelmi-Biondi
Beaver County Solicitor
Beaver County Courthouse
810 Third Street
Beaver, PA 15009

Kenneth G. Fawcett, Esquire
New Brighton Borough Solicitor
820 Kennedy Drive
P. O. Box 280
Ambridge, PA 15003

Jason Sharp, Esquire
Office of Chief Counsel
PennDOT
P. O. Box 8212
Harrisburg, PA 17105-8212

Shannon L. Steele, Esquire
Sainovich & Santicola, P.C.
722 Turnpike Street
Beaver, PA 15009

Elizabeth H. Barnes, Esquire
Assistant Counsel
PA Public Utility Commission
Bureau of Transportation & Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: May 11, 2009


Jeannette Chelgren, Secretary to
Benjamin C. Dunlap, Jr., Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

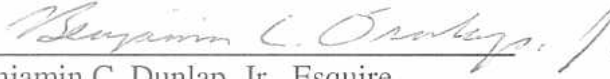
Vollmer Motor Sales, Inc., Complainant	:	
	:	
v.	:	Docket No. C-20077423
	:	
Norfolk Southern Railway Company; New	:	
Brighton Borough-Solicitor; Beaver County-	:	
Solicitor; Commonwealth of Pennsylvania,	:	
Department of Transportation	:	

NOTICE

TO: Vollmer Motors, Inc.
2249 Third Avenue
New Brighton, PA 15066

Pursuant to 52 Pa. Code § 5.24(b), Norfolk Southern Railroad Company (“Norfolk Southern”), has certified satisfaction of the complaints asserted by you in the Complaint filed on February 26, 2007, in this matter. A true and correct copy of the Certificate of Satisfaction is attached hereto and made a part hereof. Pursuant to 52 Pa. Code § 5.24(c), you have the right to object to the Certificate within ten (10) days from the date of its filing on the date below. If no objections are filed in writing to the Certificate within ten (10) days of its filing, the Complaint docket will be marked closed.

NAUMAN, SMITH, SHISSLER AND HALL, LLP

By: 
Benjamin C. Dunlap, Jr., Esquire
Supreme Court ID#66283

200 North Third Street
P.O. Box 840
Harrisburg, PA 17108
Telephone: 717/236-3010
Counsel for Respondent, Norfolk Southern
Railway Company

Date: May 11, 2009