



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 23, 2009

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

RE: Docket No. A-00123059

Dear Secretary McNulty:

Enclosed for filing please find the original copy of the Department's *Petition to Modify Secretarial Letter Dated March 30, 2007* in the above-captioned matter.

I hereby certify that a copy of the Department's Petition has been sent to all parties of record as indicated on the *Certificate of Service*.

Very truly yours,

Gina M. D'Alfonso
Assistant Counsel in Charge

Enclosures

220/GMD:crh

cc: Parties of Record
Mark J. Chappell, P.E., Acting Chief, Utilities and Right-of-Way Section
Joseph Strok, Grade Crossing Administrator, Engineering District 4-0

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Commonwealth of	:	
Pennsylvania, Department of Transportation for	:	Docket No.: A-00123059
approval of the alteration of the crossing where	:	
SR 924 crosses, at grade, the track operated by	:	
Norfolk Southern Railway Company located in	:	
Hazle Township, Luzerne County and the allocation:	:	Filed Electronically
of costs incident thereto. (PUC # 402 142 A)	:	

**PETITION TO MODIFY SECRETARIAL LETTER DATED
MARCH 30, 2007**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (Department), by and through its counsel, Gina M. D'Alfonso, Assistant Counsel in Charge, in its Petition to Modify the Secretarial Letter dated March 30, 2007 respectfully represents:

1. The name and address of your Petitioner is:

Commonwealth of Pennsylvania
Department of Transportation
Bureau of Design
P.O. Box 3362
Harrisburg, Pennsylvania 17105-3362

2. The name and address of Counsel for the Petitioner is:

Gina M. D'Alfonso
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212

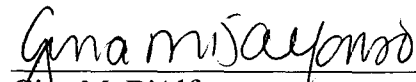
3. The Secretarial Letter dated March 30, 2007, ordered that all work was to be completed on or before December 31, 2009. However, due to delays in construction the parties find it necessary to request an extension of time for completion until June 30, 2011.

4. The Department requests that the above Secretarial Letter be modified as follows (modification is underlined):

12. All work necessary to complete the construction of the project be done in a manner satisfactory to this Commission on or before June 30, 2011, and that on or before said date, Pennsylvania Department of Transportation report to this Commission the date of actual completion of the work; and Pennsylvania Department of Transportation certify to this Commission that the work has been satisfactorily completed in accordance with the approved plans and this letter.

WHEREFORE, the Department respectfully requests that the Commission modify its Secretarial Letter dated March 30, 2007, consistent with the Department's Petition.

Respectfully submitted,



Gina M. D'Alfonso
Assistant Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

DATED: September 23, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Commonwealth of	:	
Pennsylvania, Department of Transportation for	:	Docket No.: A-00123059
approval of the alteration of the crossing where	:	
SR 924 crosses, at grade, the track operated by	:	
Norfolk Southern Railway Company located in	:	
Hazle Township, Luzerne County and the allocation:	:	Filed Electronically
of costs incident thereto. (PUC # 402 142 A)	:	

VERIFICATION

I, Joseph Strok, Grade Crossing Administrator, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document, make the following statement subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsifications to authority, and do state that as Grade Crossing Administrator for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge and belief.



Joseph Strok
Grade Crossing Administrator

DATED: Sept. 21, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Commonwealth of :
Pennsylvania, Department of Transportation for : Docket No.: A-00123059
approval of the alteration of the crossing where :
SR 924 crosses, at grade, the track operated by :
Norfolk Southern Railway Company located in :
Hazle Township, Luzerne County and the allocation: Filed Electronically
of costs incident thereto. (PUC # 402 142 A) :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Petition to Modify the Secretarial Letter dated March 30, 2007* was served upon the parties listed below, in accordance with the requirements of §1.54, electronically and by First-Class mail, postage prepaid and by electronic mail as indicated this 23rd day of September, 2009:

Luzerne County
ATTN: Samuel T. Guesto Jr.
Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711-1001

Mr. Randal S. Noe, Esquire
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

Mr. Tim Bast
Hazel Township Zoning Officer
PO BOX 506
Harleigh, PA 18501

CANDO
W. Kevin O'Donnell President
1 South Church Street
Hazelton, PA 18201

Mr. Tom M. Bracey
Senior Engineer Public Improvements
Norfolk Southern Corporation
1200 Peachtree Street
Atlanta, GA 30309

Mr. Brian Zukowski, Service Consultant
PP&L Utilities
344 South Poplar Strete
Hazelton, PA 18201

Mr. T. David Wyatt, P.E.
Systems Engineer Public Improvements
Norfolk Southern Corporation
1200 Peachtree Street
Atlanta, GA 30309

Service Electric Cablevision
ATTN: Customer Service
105 E. Broad Street
Hazelton, PA 18201

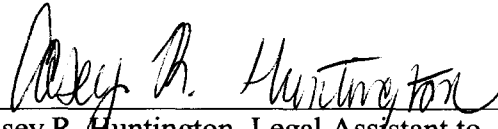
Certificate of Service Continued – A-00123059

Mr. Jim Ragor
Verizon Communications
11 Ridge Road
Bloomsburg, PA 17815

Mr. Carl Knorek
UGI Utilities Inc.
1 S Church ST – Suite 100
Hazelton, PA 18201-6204

Mr. Bruce Swalem, Business Development & Right of Way
Ten Penn Center – 1801 Market Street
Philadelphia, PA 19101-1699
Sun Pipe Line Company

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Casey R. Huntington, Legal Assistant to
Gina M. D'Alfonso, Esquire
Assistant Counsel in Charge
Office of Chief Counsel
Keystone Building – 9th Floor
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128

DATED: September 23, 2009