



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL  
November 30, 2009

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

RE: Docket No. A-2008-2075123

Dear Secretary McNulty:

Enclosed for filing please find the Department's *Prehearing Conference Memorandum* in the above-captioned matter.

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

Very truly yours,

Jason D. Sharp  
Assistant Counsel

Enclosures

220/JDS:crh

cc: Parties of Record  
Mark J. Chappell, P.E., Acting Chief, Utilities and Right-of-Way Section  
Ahmed Lasloudji, Grade Crossing Administrator, Engineering District 5-0



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern Railway Company :	
to abolish the public rail highway crossing of High Street above its tracks in the City of Bethlehem and the Borough of Hellertown, Northampton County, PA (DOT #592 787H) :	Docket No.: A-2008-2075123
:	Electronically Filed

**PREHEARING CONFERENCE MEMORANDUM**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation (“PennDOT”), by and through its counsel, Jason D. Sharp, Assistant Counsel, and submits the following prehearing conference memorandum in accordance with the prehearing conference order issued on October 27, 2009:

1. History of the Proceeding.

- a. On or about November 3, 2008, Norfolk Southern Railway Company (“NS”) filed an application requesting approval to abolish a crossing where a bridge carrying High Street, a local roadway, crosses above an abandoned NS line.
- b. A field conference was held regarding the application on February 5, 2009. PennDOT representatives attended the conference and did not object to the application.
- c. On March 18, 2009, the Commission issued a Secretarial Letter which approved the application and ordered, *inter alia*, that NS was to remove the subject bridge and replace it with a “roadway on fill.” (March 18, 2009, Secretarial Letter, p. 2, ordering Paragraph # 3). PennDOT was not allocated any construction or future maintenance works or costs in the Secretarial Letter.
- d. In separate correspondence to the Commission dated April 6, 2009, both NS and the City of Bethlehem (“City”) appealed the Secretarial Letter. NS objected to the

letter, arguing that NS had not agreed in its application to construct a “roadway” on fill, but rather to remove the bridge and back fill the area to accept a roadway. The City objected to the removal of the bridge, citing the potential use of the abandoned rail corridor for a potential trail.

- e. By Opinion ad Order entered March 19, 2009, the Commission:
  - i. granted the City and NS’ petitions to appeal the secretarial letter,
  - ii. made the Pennsylvania Department of Conservation and Natural Resources (“DCNR”) a party to this proceeding; and,
  - iii. assigned the matter to the Office of Administrative Law Judge for such further proceedings as deemed appropriate.

2. Issues

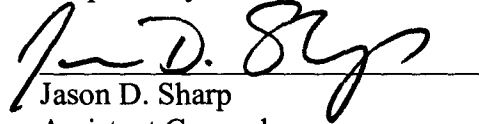
- a. PennDOT has no direct interest in the matter as the bridge to be abolished is not a State Route under the jurisdiction and control of PennDOT.
- b. PennDOT understands that DCNR intends to insole the *Decision Tree Process*, said process requiring DCNR and PennDOT to jointly evaluate separated grade crossings to determine if they can be retained for trail use. See PennDOT Strike Off Letter 430-97-06 and the Governor’s Joint Rails to Trails Policy between DECOR and PENNDOT, dated October 17, 1996, attached as Exhibit A to that extent, PennDOT may be required to present the Commission a joint PennDOT/DCNR statement of position as to the disposition of the bridge.

3. Witnesses – PENNDOT has not identified any potential witnesses at this time.

4. Schedule

- a. A hearing in this matter should not be set for at least sixty (60) days since DCNR intends to invoke the *Decision Tree Process*.
- b. In the event a hearing is necessary, PennDOT expects that one full hearing day will be sufficient to take all testimony.
- c. Written direct should be served on the ALJ and all parties twenty (20) days in advance of the hearing.
- d. All requests for admission should be served on other parties twenty (20) days before the hearing.
- e. Any stipulations should be finalized at least twenty-four (24) hours before the hearing so that they can be put into the record prior to the start of any testimony in this matter.

Respectfully submitted,

  
Jason D. Sharp  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128  
Fax Number (717) 772-2741

DATED: November 30, 2009

DATE: January 22, 1997

430-97-06

SUBJECT: Rails To Trails Policy  
Disposition of Rail/Highway Structures  
Decision Tree for PUC Crossing Abolition Proceedings

TO: DISTRICT ENGINEERS/ADMINISTRATOR

FROM: Gary L. Hoffman, P.E.  
Chief Engineer  
Highway Administration

On October 17, 1996, 1996, Governor Ridge announced a joint Rails To Trails policy between the Department of Conservation and Natural Resources (DCNR) and the Department of Transportation (PDT). This policy is to promote the preservation of railroad bridges, tunnels and other structures on available railroad corridors for recreational trail development. A copy of the policy statement is Attachment 1 to this Strike-Off Letter.

A joint Rails To Trails (RTT) committee of PDT and DCNR staff has been meeting on a regular basis for the past year to discuss various issues involved. This committee is trying to find ways to assist trail development groups in retaining rail/highway structures for trail use where warranted and feasible.

There are many difficult issues for trail development groups to resolve in converting a rail line into a trail for recreation and other uses. These issues include ownership, safety, funding, and maintenance. The first issue where the RTT Committee felt that DCNR and PDT could have a positive effect was with the Public Utility Commission (PUC) abolition proceedings for rail crossings at State highways.

In the past, our Department's testimony at these PUC proceedings typically was that structures over or under state highways should be removed by the railroad upon crossing abolition to improve highway safety and to eliminate unmaintained future hazards. The more recent interest in trails has given these old structures new purpose. However, due perhaps to the legal aspects and the nature of the PUC proceedings, trail groups have not always provided compelling testimony about safety, costs, and proof of legal responsibility to justify the PUC leaving the structures in place. The lack of a party under PUC jurisdiction to assume responsibility for the crossing has usually resulted in the structure being removed, regardless of the merits of retaining it for trail usage.

Disposition of Rail/Highway Structures  
Decision Tree for PUC Crossing Abolition Proceedings  
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The RTT Committee developed a Decision Tree (flow chart) to provide a logical and consistent framework for use on the disposition of individual rail/highway structures. This will enable PDT and DCNR to determine their positions relative to trail usage and the PUC process for rail crossings on State highways slated for abolition. The Decision Tree identifies the major areas of concern to be mitigated and the party responsible so that such structures useful to the trail are not removed without cause.

The Decision Tree reinforces the new Rails To Trails policy by assigning certain tasks to PDT and to DCNR to ensure that proper consideration is given to retaining a structure for trail use while still meeting safety and maintenance responsibility demands. It also assists in the preparation of appropriate testimony before the PUC. The Decision Tree is only in outline form and is not a detailed "How to" book. Some of the steps need to be further developed into internal procedures for PDT and DCNR.

A copy of the draft Decision Tree is attached for your review and comment. While the Decision Tree is not a finished product, the Districts are to follow this guide in preparing for PUC abolition proceedings for crossings at State highways.

The Decision Tree is also intended to educate trail groups and potential trail owners about the PUC process so they can better address the issues they need to resolve for trail conversion. The Committee intends to distribute the Decision Tree this spring to trail groups and other interested parties in the form of an informational pamphlet to be developed through a DCNR consultant.

The RTT Committee plans to produce a detailed manual to assist trail groups, municipalities, and State agencies in the retention of rail/highway structures for trail development. Topics such as PUC procedures, trail and highway safety, ownership issues, highway/trail interfaces, development of cost estimates, etc. are to be included and detailed. New trail-related standards or procedures will eventually be incorporated into the PDT Design Manuals. In the interim, use Design Manuals and the AASHTO Green Book for highway-related features when reviewing a rail/highway structure at a crossing slated for abolition.

Please forward all comments on the Decision Tree to me by February 7, 1997 so they can be incorporated into its final

EXHIBIT

A

tabbles

Disposition of Rail/Highway Structures  
Decision Tree for PUC Crossing Abolition Proceedings  
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If there are any questions, please contact Mr. Mike Bougher of my office at (717) 787-9512.

Attachments (2)

4310/HCR/hcr

cc: M. M. Ryan, P.E., FP, Th Floor  
G. L. Hoffman, P.E., FP, 7th Floor  
J. A. Filippino, P.E., FP, 7th Floor  
A. C. Bhajandas, P.E., FP, 7th Floor  
W. W. Kober, FP, 7th Floor  
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Operations Review Group, FP, 8th Floor  
M. A. Marks, FHWA  
Turnpike Commission  
Bureau of Office Services (Publication Sales), FP, 8th Floor  
Bureau of Design Division Chiefs  
Design Consultants  
Assistant District Engineers - Design \_\_\_\_\_  
District Bridge Engineers \_\_\_\_\_  
District Grade Crossing Engineers \_\_\_\_\_  
G. M. D'Alfonso, FP, 9th Floor  
Dept. Of Conservation & Natural Resources  
Attn: L. Williamson  
and: E. Deaton  
Library Services (E-Mail)

**JOINT RAILS TO TRAILS POLICY  
DEPARTMENT OF TRANSPORTATION AND  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**BACKGROUND**

Pennsylvania is at a critical juncture regarding the issue of how we deal with the disposition of structures on available railroad corridors including bridges, tunnels and other crossing structures. These structures are essential in maintaining the linear integrity of available railroad corridors for recreational trail use. Once the Pennsylvania Public Utility Commission orders the removal of a structure, the resultant permanent loss often destroys the continuity of the corridor. While the removal of the structure enhances the safety of the highway public, it may present new and serious safety concerns due to the interfacing of the motoring public and trail user. Complicating the issue are concerns relating to the physical integrity of the railroad structure and the dangers imposed by at-grade crossings both for highway and trail users.

Both the Department of Conservation and Natural Resources and the Department of Transportation recognize the importance of preservation of these structures. However, neither Department currently has adequate resources to preserve and maintain these structures for future recreational use.

Governor Tom Ridge proclaimed June 1, 1996 as Pennsylvania Trails Day and stated that, "Trail corridors and their users contribute to the economic well-being of Pennsylvania's tourism and outdoor recreation industries. It is time to recognize our trails as valued resources." If the railroad structures remain intact, our system of greenways will be enhanced, the considerable financial investment made to construct these bridges and tunnels will be protected, our rich railroad heritage will be preserved and the recreation and tourism economy of the Commonwealth will be bolstered.

**GOVERNOR'S INITIATIVE**

It shall be the policy of the Commonwealth of Pennsylvania to promote the preservation of railroad bridges, tunnels and other structures on available railroad corridors when they contribute to and enhance the recreational trail development and safety to the traveling public. If these railroad structures remain intact, our system of greenways will be enhanced, the considerable financial investment made to construct these bridges and tunnels will be protected, our rich railroad heritage will be preserved and the recreation and tourism economy of the Commonwealth will be bolstered. These railroad structures should remain intact if it can be demonstrated that the recreational opportunities are feasible and warranted and resources are available to satisfy safety concerns and to provide future maintenance.

In carrying out this policy, consideration must be given to the safety of both the highway and the trail user. The Department of Conservation and Natural Resources and the Department of Transportation will work closely with sponsors and potential owners to promote the preservation of structures on available priority corridors.

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**Rails to Trails Program**

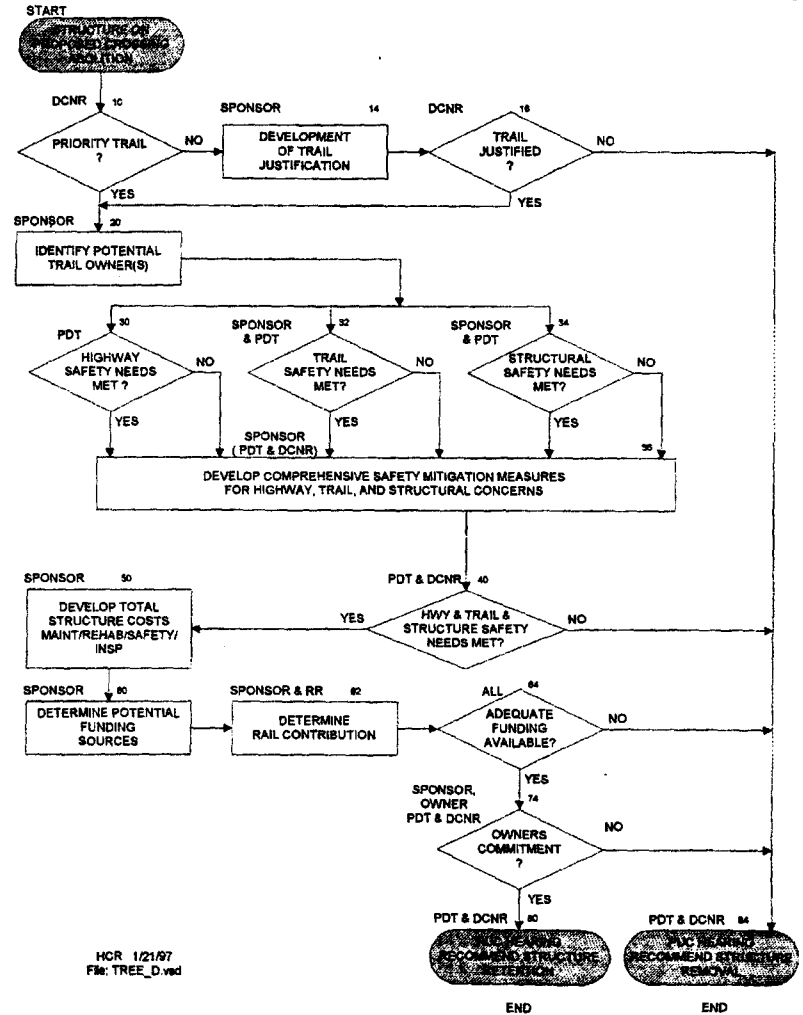
**Disposition of Rail/Highway Structures  
On Abandoned Rail Lines  
Intersecting State Highways  
For Trail Use**

**Decision Tree  
for  
PennDOT and DCNR Testimony  
Before  
PUC Crossing Abolition Proceedings**

**by  
PDT/DCNR Joint  
Rails To Trails Committee**

**January 1997**

**PDT/DCNR RAILS TO TRAILS PROGRAM  
DISPOSITION OF RAIL STRUCTURES ON ABANDONED LINES INTERSECTING STATE HIGHWAYS  
DECISION TREE FOR PUC CROSSING ABOLITION PROCEEDINGS**



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PDT/DCNR Rails to Trails Committee  
Disposition of Rail/Highway Structures on Abandoned Rail Lines Intersecting State Highways  
Decision Tree For PUC Crossing Abolition Proceedings

I. Purpose:

This decision tree is intended to:

1. Provide a logical and consistent framework for PDT and DCNR to determine their position concerning the disposition of rail structures on abandoned lines intersecting State highways for trail use.
2. Allow or encourage trail development by outside sponsors by outlining the safety, funding, and ownership issues that need to be resolved at these structure sites.
3. Resolve those issues in a timely manner for PUC consideration in the rail crossing abolition process.
4. Assist in preparation of PDT & DCNR testimony before the PUC on the issue of structure disposition.

II. Assumptions for Use of the Decision Tree:

1. There is a sponsor for the trail.
2. This potential use of the rail line for Rails to Trails purposes does not compromise any other strategic plans of the Commonwealth.
3. The structure in question intersects a State Highway and the crossing is within the jurisdiction of the PUC.
4. This process does not circumvent or preclude the PUC process.

III. Notes for Use of Decision Tree:

1. This decision tree is a simplified flow chart. Each operational block may involve several internal steps that were not shown here for clarity of the overall process.
2. Because space inside the operation steps is limited, a more detailed description of these organizational steps follows the Decision Tree.
3. Definitions used in the decision tree:

**STRUCTURE** - This includes bridges, culverts and tunnels intersecting (over or under) State highways.

**SPONSOR** - Trail group or governmental entity (County, municipality, State, agency/authority, etc.) that is taking the lead in establishing the trail.

**OWNER** - Governmental entity that is legally able to assume ownership of the trail and accept structure maintenance responsibilities from PUC.

**NOTE:** The term **OWNER** may be substituted for the **SPONSOR** throughout this decision tree. However, the reverse is not true. More importantly, as the process continues, responsibility increasingly shifts to the **OWNER**. The term **SPONSOR/OWNER** in the later stages is intended to indicate that the potential owner should be more involved because decisions impacting final responsibilities are being made.

PDT/DCNR Rails to Trails Committee  
Disposition of Rail/Highway Structures on Abandoned Rail Lines Intersecting State Highways  
Decision Tree For PUC Crossing Abolition Proceedings

III. Notes (cont.)

4. The lead party responsible for each operation is named near the operational step's upper left corner. Other parties may be involved to varying degrees. Those indicated in ( ) are in an advisory capacity.
5. The number near the operation's upper right corner is for reference only.
6. Steps involving Ownership and Funding Issues may occur at any time in the process, but are shown here near the end, by which time they must be resolved.
7. Steps 30, 32, and 34 regarding determination of highway, trail, and structural safety are shown being done concurrently. In practice, these branches for the various safety concerns are not completely independent. Information and proposed mitigation measures must be shared between these branches.
8. For Step 40, a comprehensive solution to all concerns identified in Steps 30, 32, and 34 is to be the result. This may be an iterative process as a mitigation measure for one safety concern may negatively impact another safety item.
9. This general methodology outlined in the Decision Tree can also be applied to rail/highway crossing structures on local roads. When the highway is owned by the local municipality, then that municipality would take over functions assigned to PDT in the flowchart.
10. Where PDT appears in Decision Tree, appropriate District staff member is responsible.

PDT/DCNR Rails to Trails Committee  
Disposition of Rail/Highway Structures on Abandoned Rail Lines Intersecting State Highways  
Decision Tree For PUC Crossing Abolition Proceedings

Step	Operation Step	By	Type of Step
10	Priority Trail?	DCNR	Decision
	Description:	DCNR determines if proposed trail meets the requirements of a priority trail.  To prepare for the PUC crossing abolition proceedings, the PDT District Grade Crossing Engineer is to contact Mr. Edwin Deaton, Division of Resources Management and Planning, DCNR (Phone 717-787-6674) to determine DCNR's trail priority.	
14	Development of Trail Justification	Sponsor	Data Collection
	Description:	Trail sponsor provides additional information to DCNR to justify the development of this trail and possible retention of the structures.	
16	Trail Justified?	DCNR	Decision
	Description:	DCNR reviews sponsor's information to determine if additional data justifies the establishment of the trail and possible retention of the structure. Upon request, DCNR provides to PDT its determination of trail priority.	
20	Identify Potential Trail Owners	Sponsor	Data Collection
	Description:	Sponsor identifies potential trail owners. Trail owners must be financially able, agree to be responsible for the liability and future maintenance of the structure, and subject to PUC jurisdiction. Owners must be a governmental entity (county, municipality, State, etc.) or authority/agency. No commitment from a potential owner is required at this time.	
30	Highway Safety Needs Met?	PDT	Decision
	Description:	PDT reviews highway safety at the crossing site to determine if it is acceptable for the structure to remain in place, based on highway safety considerations. This review may contain items such as: <ul style="list-style-type: none"> <li>- Vertical clearances</li> <li>- Horizontal clearances</li> <li>- Roadway geometry</li> <li>- Sight distances</li> <li>- Debris falling onto highway</li> <li>- Traffic types and volumes</li> <li>- Accident history</li> <li>- Other highway related safety issues</li> </ul> Both the current nature of the roadway and the projected future needs are to be considered. Items that require mitigation for the structure to remain in place are to be listed.  This step is to be done concurrently with Steps 32 and 34.	

PDT/DCNR Rails to Trails Committee  
Disposition of Rail/Highway Structures on Abandoned Rail Lines Intersecting State Highways  
Decision Tree For PUC Crossing Abolition Proceedings

Step	Operation Step	By	Type of Step
32	Trail Safety Needs Met?	Sponsor & PDT (DCNR)	Decision
	Description:	Sponsor determines if the trail safety needs can be met with structure remaining in place. PDT is to advise on issues of highway/trail interaction. DCNR is to provide expertise and recommendations for safety items on trail.  Factors to be considered may include: <ul style="list-style-type: none"> <li>- Non-structural bridge items for trail safety (railing, flooring, etc.)</li> <li>- Modifications to highway safety features to accommodate trail</li> <li>- Trail access (to and from highway)</li> <li>- At-grade crossing safety for trail users</li> <li>- Environmental concerns</li> </ul> Items that require mitigation for the structure to remain in place are to be listed.  This step is to be done concurrently with Steps 30 and 34.	
34	Structural Safety Needs Met?	Sponsor & PDT	Decision
	Description:	Sponsor determines if the bridge is safe to remain in place, or if repairs, rehabilitation, or replacement is warranted. PDT may contribute in an advisory capacity.  Factors to be considered may include: <ul style="list-style-type: none"> <li>- Condition of main bridge elements beams, trusses, etc.</li> <li>- Load carrying capacity</li> <li>- Foundation stability</li> <li>- Bridge scour</li> <li>- Bridge deck condition and feasibility for trail use</li> <li>- Bridge safety inspection needs and responsibility</li> </ul> Items that require mitigation for the structure to remain in place are to be listed. Determination of structural safety is to be made by a Professional Engineer. PDT will review this list to assure highway user safety.  This step is to be done concurrently with Steps 30 and 32.	
36	Develop Comprehensive Safety Mitigation Measures for Highway, Trail, and Structural Concerns	Sponsor (PDT & DCNR)	Data Collection
	Description:	Sponsor develops comprehensive safety mitigation measures for highway, trail, and structural concerns identified in Steps 30, 32, and 34. PDT and DCNR may contribute in an advisory capacity during this development.	

PDT/DCNR Rails to Trails Committee  
Disposition of Rail/Highway Structures on Abandoned Rail Lines Intersecting State Highways  
Decision Tree For PUC Crossing Abolition Proceedings

Step	Operation Step	By	Type of Step
36 (cont.)	<p>Because some mitigation measures may negatively affect other safety concerns, this may be an iterative process.</p> <p>Costs for the various measures and/or combination of measures are to be developed.</p> <p>Some of the possible mitigation measures are listed below for each category:</p> <p><b>Highway Safety:</b></p> <ul style="list-style-type: none"> <li>- Improved highway signing</li> <li>- Improvement of highway safety features (guiderails, etc.)</li> <li>- Superstructure/substructure modifications</li> <li>- Fences/netting on structure</li> <li>- Structure replacement or removal</li> </ul> <p><b>Trail Safety:</b></p> <ul style="list-style-type: none"> <li>- Relocation of trail to enhance at-grade crossing</li> <li>- Improved highway signing and/or signalization</li> <li>- Modification of highway safety features</li> <li>- Resolution of environmental concerns</li> <li>- Structure replacement</li> </ul> <p><b>Structural Safety:</b></p> <ul style="list-style-type: none"> <li>- Repair of deteriorated elements</li> <li>- Modification/replacement of deck</li> <li>- Foundation repair</li> <li>- Superstructure replacement</li> <li>- Structure rehabilitation/replacement</li> </ul>		
40	Highway, Trail, and Structure Safety Needs Met?	PDT & DCNR	Decision
	<p>Description: PDT and DCNR review the overall site safety concerns for highway, trail, and structure to determine if an acceptable level of safety for highway and trail users can be achieved with the proposed comprehensive mitigation measures.</p> <p>Step 36 must be completed before this analysis.</p> <p>PDT and DCNR list the mitigation measures required at the structure site.</p>		

PDT/DCNR Rails to Trails Committee  
Disposition of Rail/Highway Structures on Abandoned Rail Lines Intersecting State Highways  
Decision Tree For PUC Crossing Abolition Proceedings

Step	Operation Step	By	Type of Step
50	Develop Total Structure Costs	Sponsor/Owner	Data Collection
	<p>Description: Sponsor/owner develops total costs for structure, in accordance with mitigation measures established in Step 40, including:</p> <ul style="list-style-type: none"> <li>- Highway safety mitigation measures</li> <li>- Trail users safety measures</li> <li>- Site safety mitigation measures</li> <li>- Structural repair, rehabilitation, or replacement</li> <li>- Future maintenance costs (long term)</li> <li>- Safety inspection costs</li> <li>- Structural site costs</li> </ul>		
60	Determine Potential Funding Sources	Sponsor/Owner	Data Collection
	<p>Description: Sponsor/owner determines possible funding sources to address the projected structure costs. These sources may include local government participation, private donations, federal/state funding, etc.</p>		
62	Determine Rail Contribution	Sponsor/Owner and RR	Data Collection
	<p>Description: Sponsor/owner meets with railroad to determine the railroad's contribution towards the projected structure costs identified in Step 50. This contribution may be considered to be in lieu of the railroad's costs associated with a PUC-ordered structure removal and release from the attendant liabilities.</p>		
64	Adequate Funding Available?	All	Decision
	<p>Description: Sponsor/owner reviews potential funding sources with other parties (Railroad, trail group, PDT, DCNR, etc.) to determine if the total structure costs identified in Step 50 are available.</p>		
74	Owner Commitment?	Sponsor, Owner PDT, DCNR	Decision
	<p>Description: A formal written agreement establishes that the proposed trail owner is committed and able to assume trail ownership, with all its associated responsibilities, costs, and liabilities.</p> <p>This commitment by the proposed owner enables the PDT and DCNR to recommend the proper disposition of the structure, in accord with minimum mitigation measures established in Step 40.</p>		

PDT/DCNR Rails to Trails Committee  
Disposition of Rail/Highway Structures on Abandoned Rail Lines Intersecting State Highways  
Decision Tree For PUC Crossing Abolition Proceedings

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Step	Operation Step	By	Type of Step
80	PUC HEARING Recommend Structure Disposition	PDT & DCNR	Testimony
Description: Based on the written agreement of Step 74, PDT and DCNR will recommend the disposition of the structure and transfer of maintenance responsibilities to the proposed trail owner. This recommendation will be given before the PUC as part of the rail crossing abolition process.			
84	PUC HEARING Recommend Structure Removal	PDT & DCNR	Testimony
Description: Based on the inability to resolve safety, financial, and/or ownership items in this process, PDT and DCNR will recommend structure removal for public safety needs in their testimony before PUC during the rail crossing abolition process.			

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END

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Norfolk Southern Railway Company :  
to abolish the public rail highway crossing of High : Docket No.: A-2008-2075123  
Street above its tracks in the City of Bethlehem and :  
the Borough of Hellertown, Northampton County, : Electronically Filed  
PA (DOT #592 787H) :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the *Prehearing Conference Memorandum* 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 30<sup>th</sup> day of November, 2009:

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200 North 3<sup>rd</sup> Street, 18<sup>th</sup> Floor  
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Harrisburg, PA 17108-0840

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Bethlehem City Department of Water/Sewer  
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Bethlehem, PA 18018

Moravian College  
Attn: Facilities Services  
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Bethlehem, PA 18018

Linda Sofranek  
UGI Utilities Inc  
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Bethlehem, PA 18018

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Jennifer Perdick  
PPL Electric Utilities Corporation  
827 Housman Road  
Allentown, PA 18104

*Certificate of Service List Continued – A-2008-2075123*

Borough of Hellertown  
685 Main Street  
Hellertown, PA 18055

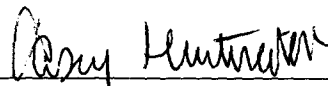
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Bob Roe  
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Karl F. Longenbach, Esquire  
Northampton County Solicitor  
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Joseph M. Kelly, Esquire  
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Martha Smith, Esquire  
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Casey Huntington, Legal Assistant to  
Jason D. Sharp  
Assistant Counsel  
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DATED: November 30, 2009