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June 21, 2010

VIA HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

RECEIVED
2010 JUL 21 PM 4:16
SECRETARY OF STATE

Re: *Petition of Norfolk Southern Railway Company for Rescission or Amendment of the Pennsylvania Public Utility Commission's Order Entered on June 12, 1975 Regarding the Prevention of Run Outs in the 400 and 500 Classification Yards of Conway Yard in Beaver County, Pennsylvania, Docket No. C-00019560*

Dear Secretary Chiavetta:

On behalf of Norfolk Southern Railway Company ("Norfolk Southern"), I have enclosed for filing the original and three (3) copies of the following:

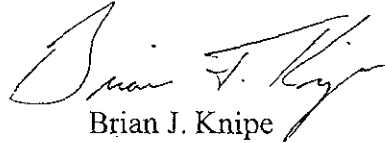
1. Motion of Norfolk Southern Railway Company for Leave to Amend Petition for Rescission or Amendment
2. Motion of Norfolk Southern Railway Company for Continuance of Initial Prehearing Conference and Extension of Deadline for Initial Prehearing Conference Memoranda

Because Norfolk Southern has obtained the concurrence of the Pennsylvania State Legislative Board of the United Transportation Union, the only other party to this proceeding, in both of these motions, the Notice to Plead attached to each motion is included merely as a formality.

Copies of these documents have been served in accordance with the attached Certificate of Service.

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
July 21, 2010
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian J. Knipe". The signature is fluid and cursive, with a large initial "B".

Brian J. Knipe

For BUCHANAN INGERSOLL & ROONEY, P.C.

BJK/paf

cc: The Honorable David A. Salapa (via e-mail and hand delivery, w/encls.)
Joseph P. Sirbak, Esq.
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Norfolk Southern Railway :
Company for Rescission or Amendment of :
the Pennsylvania Public Utility :
Commission's Order Entered on June 12, :
1975 Regarding the Prevention of Run Outs :
in the 400 and 500 Classification Yards of :
Conway Yard in Beaver County, :
Pennsylvania :

Docket No. C-00019560

SECRETARY'S BUREAU
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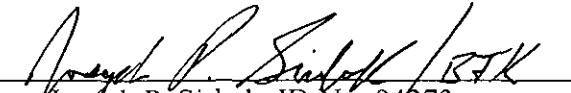
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NOTICE TO PLEAD

To: Irwin W. Aronson, Esq.
Willig Williams & Davidson
Suite 504
212 Locust Street
Harrisburg PA 17101

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that you have **twenty (20) days** from the date of service of this Motion to respond.



Joseph P. Sirbak, ID No. 94273
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Dated: July 21, 2010

Attorneys for Norfolk Southern Railway
Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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SECRETARY'S OFFICE

Petition of Norfolk Southern Railway :
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Commission's Order Entered on June 12, : Docket No. C-00019560
1975 Regarding the Prevention of Run Outs :
in the 400 and 500 Classification Yards of :
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Pennsylvania :

**MOTION OF NORFOLK SOUTHERN RAILWAY COMPANY FOR CONTINUANCE
OF INITIAL PREHEARING CONFERENCE AND EXTENSION OF DEADLINE
FOR INITIAL PREHEARING CONFERENCE MEMORANDA**

TO ADMINISTRATIVE LAW JUDGE DAVID A. SALAPA:

Norfolk Southern Railway Company ("Norfolk Southern") hereby moves pursuant to 52 Pa. Code § 1.15(b) for a continuance of the initial prehearing conference scheduled in this matter for Thursday, July 29, 2010, and for an extension of the deadline for initial prehearing conference memoranda which is currently scheduled for Monday, July 26, 2010.

1. On November 13, 2009, Norfolk Southern filed a Petition for Rescission or Amendment ("Petition"), which avers that due to engineering and safety changes at the Conway Yard, rescission or amendment of a prior order issued by the Commission in 1975 at this Docket (the "1975 Order") is warranted. The Petition requests that the Commission eliminate the requirement that Norfolk Southern use skates to prevent run outs at Conway Yard, and allow it to reassign employees designated as "skate men" to other positions. Alternatively, the Petition requests that the Commission amend the 1975 Order to permit the placement and removal of skates by pullout crews and other personnel.

2. An initial prehearing conference is scheduled in this matter for Thursday, July 29, 2010 at 10:00 a.m. Initial prehearing conference memoranda are due by no later than Monday, July 26, 2010.

3. In the course of preparing its initial prehearing conference memorandum, Norfolk Southern recognized the need to amend its Petition, to avoid confusion of the issues and to ensure this matter can proceed efficiently, by realigning the issues raised before the Commission with the facts as they exist on the ground today.

4. Accordingly, Norfolk Southern is concurrently filing a motion requesting leave, pursuant to 52 Pa. Code § 5.91, to file, by September 1, 2010, an Amended Petition.

5. Counsel for Norfolk Southern has consulted with counsel for the Pennsylvania State Legislative Board of the United Transportation Union ("Union"), the only other party to this proceeding, to seek the Union's consent to Norfolk Southern's request for leave to amend.

6. The Union does not object to Norfolk Southern filing an Amended Petition, provided there is a continuance of the existing date for the initial prehearing conference and an extension of the deadline for the submission of initial prehearing conference memoranda. Norfolk Southern is agreeable to these conditions.

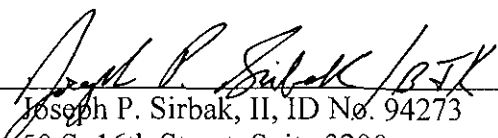
7. At the direction of the Administrative Law Judge, counsel for Norfolk Southern has also consulted with counsel for the Union to determine a mutually convenient date for the rescheduled initial prehearing conference. Based on the Union's concern that amendment of the Petition may require republication in the *Pennsylvania Bulletin*, the parties agree that any date during the week of December 6, 2010 would be mutually convenient, with the exception of Thursday, December 9, 2010. If republication in the *Pennsylvania Bulletin* is not required, Norfolk Southern would be available for the initial prehearing conference sooner. Norfolk

Southern's primary concern in rescheduling the initial prehearing conference is that the new date allow sufficient time for the filing of the Amended Petition, and answer thereto and a reply to any new matter, and for the preparation of initial prehearing conference memoranda.

WHEREFORE, Norfolk Southern Railway Company respectfully requests that the initial prehearing conference which is currently scheduled for Thursday, July 29, 2010 be continued, and that the deadline for initial prehearing conference memoranda which is currently set for July 26, 2010 be extended.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

By: 
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brian.knipe@bipc.com

Dated: July 21, 2010

Attorneys for Norfolk Southern Railway
Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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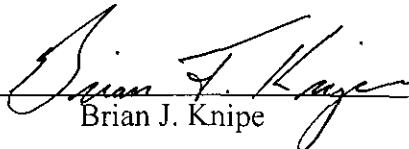
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

Via Hand Delivery and E-mail

Irwin W. Aronson, Esq.
Willig Williams & Davidson
Suite 504
212 Locust Street
Harrisburg PA 17101

Dated: July 21, 2010



Brian J. Knipe