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FRANK G. PROCYK

OF COUNSEL  
JAMES L. WEIRBACH

November 2, 2011

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: **Whitehall Township vs. R.J. Corman Railroad Company et al**  
**Docket No. C-20054822**  
**Our File No. 48-2004-529**

Dear Secretary Chiavetta:

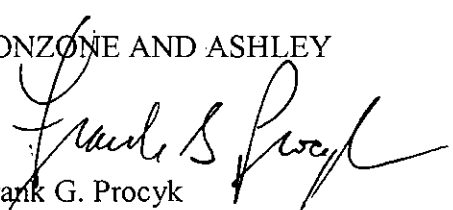
Enclosed for filing please find an original and one copy of an Amended Answer by the Complainant, Whitehall Township, to PennDOT's Motion to Modify Order Entered July 26, 2007 in the above case.

I hereby certify that a copy of the Complainant's Amended Answer has been sent to all parties of record as indicated on the enclosed Certificate of Service.

Should you have any questions, please contact this office.

Very truly yours,

FONZONE AND ASHLEY

  
Frank G. Procyk  
610-433-0121, Ext. 312

FGP/mb  
Enclosure  
cc: Gina M. D'Alfonso, Esquire  
Janet L. Miller, Esquire  
Thomas M. Caffrey, Esquire  
Rhonda Daviston, Esquire

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2011 NOV -3 AM 10:20  
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**FONZONE AND ASHLEY LAW OFFICES**

**By: Frank G. Procyk, Esquire**

**Attorney I.D. #33317**

**33 South Seventh Street**

**P.O. Box 4180**

**Allentown, PA 18105-4180**

**Phone: 610-433-0121**

**Fax: 610-434-8440**

**Attorney for Complainant: Whitehall Township**

WHITEHALL TOWNSHIP

v.

R.J. CORMAN RAILROAD COMPANY

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**NO. C-20054822**

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**AMENDED**

**ANSWER BY COMPLAINANT, WHITEHALL TOWNSHIP,  
TO MOTION BY COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, SEEKING TO  
MODIFY ORDER ENTERED JULY 26, 2007**

AND NOW, comes the Complainant, Whitehall Township, by and through its record counsel, Frank G. Procyk, Esquire of Fonzone and Ashley, and files the within Amended Answer to the Motion filed by Respondent/Petitioner, Commonwealth of Pennsylvania, Department of Transportation, seeking to modify the Order entered July 26, 2007 in this matter, and in support thereof, avers the following:

1. Admitted.
2. Admitted.
3. Admitted in part and denied in part. It is admitted that the prior Order entered July 26, 2007 directed the Commonwealth of Pennsylvania, Department of Transportation, to prepare a drainage study and take all necessary preliminary steps, including obtaining funding, for repair of the retaining wall within 18 months from the date of said Order. In further answer, the Commonwealth of Pennsylvania, Department of Transportation, was ordered to complete the repairs to the retaining wall within 12

months. While a drainage study was submitted by PennDot to the Court on or about January 23, 2009, the funding for and repair of the retaining wall has not occurred in a timely fashion as ordered by this Honorable Court.

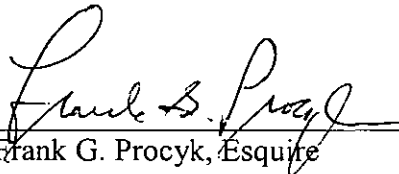
4. After reasonable investigation, the Complainant is without sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in this paragraph of the Motion by the Commonwealth of Pennsylvania, Department of Transportation, and therefore, the same are denied and proof thereof is demanded.

5. The Complainant, Whitehall Township, does not oppose the proposed extension until on or before December 31, 2013 with regard to the modification of the Order entered on July 26, 2007 in this matter.

WHEREFORE, the Complainant, Whitehall Township, respectfully requests that the Motion to Modify the Order entered July 26, 2007 filed by the Commonwealth of Pennsylvania, Department of Transportation, be granted by the Pennsylvania Public Utility Commission.

Respectfully submitted,

**FONZONE AND ASHLEY**

By:   
Frank G. Procyk, Esquire

Date: 11/2/11

**FONZONE AND ASHLEY LAW OFFICES**

**By: Frank G. Procyk, Esquire**

**Attorney I.D. #33317**

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**Attorney for Complainant: Whitehall Township**

WHITEHALL TOWNSHIP

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

v.

**NO. C-20054822**

R.J. CORMAN RAILROAD COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Amended Answer by Complainant, Whitehall Township, to Motion by Commonwealth of Pennsylvania, Department of Transportation, to Modify Order entered July 26, 2007 was served upon the parties listed below, in accordance with the requirements of §1.54, by first-class mail, postage prepaid, this 2<sup>nd</sup> day of November, 2011:

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

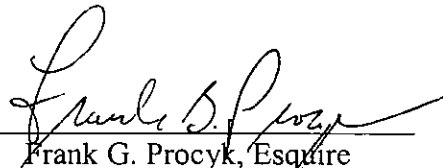
Thomas M. Caffrey, Esquire  
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Janet L. Miller, Esquire  
Hawke, McKeon & Sniscak, LLC  
100 North 10<sup>th</sup> Street  
Harrisburg, PA 17101

**FONZONE AND ASHLEY**

By: \_\_\_\_\_

  
Frank G. Procyk, Esquire

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265