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VIA FIRST CLASS MAIL

January 31, 2012

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

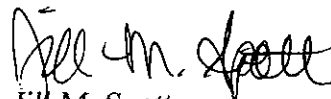
**Re: Petition Requesting Amendment of
Protective Order of June 6, 2011
Complaint Docket No. C-2011-2237486
A. Edward Schwartz vs.
Canadian Pacific Railroad & Pennsylvania
Department of Transportation**

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Dear Sir/Madam:

Enclosed please find an original signed Petition on the above matter.

Very truly yours,


Jill M. Spott

JMS:rw
enclosure

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

A. EDWARD SCHWARTZ,

Complainant

vs.

CANADIAN PACIFIC RAILROAD,

Respondent

and

PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION,

Respondent

Complaint Docket
No.: C-2011-2237486

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PETITION REQUESTING AMENDMENT OF
PROTECTIVE ORDER OF JUNE 6, 2011

NOW COMES, A. Edward Schwartz, by and through his counsel, Sheils Law Associates, P.C., who files this Petition Requesting an Amendment of the Protective Order issued in June, 2011 and in support thereof avers as follows:

1. The Movant is the Complainant, A. Edward Schwartz who filed an informal Complaint with the Public Utility Commission as docketed above.

2. On or about June 6, 2011, a Protective Order was entered directing the Pennsylvania Department of Transportation to provide copies of the Pennoni Associates inspection report of the bridge to counsel and engineering experts for the Canadian Pacific Railroad, La Plume Township, Lackawanna County and the Bureau of Transportation and Safety. This order was issued and was consistent with paragraph three (3) of the May 5, 2011

Secretarial Letter which also directed the Pennsylvania Department of Transportation to provide the inspection report to those same parties.

3. Significantly missing from the list of parties to whom the report should be provided was the Complainant, A. Edward Schwartz.

4. The parties to this action, with the exception of Complainant, A. Edward Schwartz, have concurred in the proposed work to be done to the subject bridge.

5. The parties are asking for Complainant's concurrence on the work to be done to the subject bridge.

6. Complainant requested a copy of the in-depth structural analysis provided by Pennoni Associates, however, the Pennsylvania Department of Transportation will not comply with the request due to the June 6, 2011 protective Order, which does not allow a copy to be given to Complainant or his engineer.

7. Without the ability to review the in-depth structural analysis report compiled by Pennoni Associates, it is impossible for Mr. Schwartz to give his concurrence to the proposed work to be done.

8. Prior to giving concurrence for the work to be done, Mr. Schwartz will need to review the Pennoni Associates structural analysis with his engineer.

9. In order for Complainant to receive a copy of the in-depth structural analysis performed by Pennoni Associates, the Protective order of June 6, 2011 must be amended to include the Complainant, A. Edward Schwartz and his engineer.

10. In order for Complainant to have a full understanding of the in-depth structural analysis, Complainant is also requesting that the Order include a directive for the Pennsylvania

Department of Transportation to provide Complainant with any keys or codes necessary to review the in-depth structural analysis.

WHEREFORE, Complainant, A. Edward Schwartz, requests an amendment to the Protective order of June 6, 2011, to be amended to include A. Edward Schwartz and his engineer as additional parties allowed to view the in-depth structural analysis and that the Pennsylvania Department of Transportation provide Complainant with any keys or codes necessary to review the in-depth structural analysis..

Respectfully submitted,

SHEILS LAW ASSOCIATES, P.C.

/s/ 

Jill M. Spott, Esquire

Supreme Court ID: 88640

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CERTIFICATE OF SERVICE

NOW, this 20th day of January, 2012, I, Jill M. Spott, Esquire, hereby certify that I caused a copy of the foregoing document to be served by having the same deposited in the United States Mail, postage prepaid thereon, addressed to the attorneys or parties of record as follows:

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Administrative Law Judge
Pennsylvania Public Utility Commission
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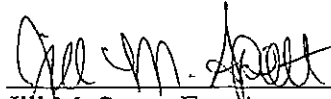
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