

**ROBERT T. YURCHAK**

Attorney at Law

March 30, 2012

One East Catawissa Street  
P.O. Box 127  
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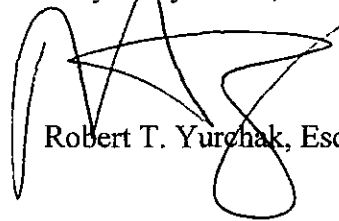
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA. 17105-3265

Re: Nesquehoning PUC complaint vs. Reading and Northern Railroad  
Complaint No. C-2012-2291457

To whom it may concern,

Enclosed please find a Reply to New Matter raised by Carbon County in the above matter  
for filing

Very Truly Yours,



Robert T. Yurchak, Esquire

RTY/

enc.

cc. Honorable Ember S. Jandebour, ALJ  
Nesquehoning Borough Council  
Daniel Miscavige, Esquire  
Gina M. D'Alfonso, Esquire  
Thomas Anewalt, Esquire  
Adam Young, Esquire

PA P.U.C.  
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**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH OF PENNSYLVANIA**

**BOROUGH OF NESQUEHONING,  
COMPLAINANT**

**COMPLAINT DOCKET  
NO: C-2012-2291457**

**VS.**

**READING BLUE MOUNTAIN &  
NORTHERN RAILROAD**

**PENNDOT**

**CARBON COUNTY COMMISSIONERS,  
RESPONDENTS**

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**REPLY TO NEW MATTER OF CARBON COUNTY COMMISSIONERS**

5. Denied. The within averment contains a conclusion of law to which no reply is deemed necessary but to the extent that any reply is necessary, then the averment, as stated is denied and placed at issue.

6. Denied. The within averment contains a conclusion of law to which no reply is deemed necessary but to the extent that any reply is necessary, then the averment, as stated is denied and placed at issue.

7. Denied. The within averment contains a conclusion of law to which no reply is deemed necessary but to the extent that any reply is necessary, then the averment, as stated is denied and placed at issue.

8. Denied. The within averment contains a conclusion of law to which no reply is deemed necessary but to the extent that any reply is necessary, then the averment, as stated is denied and placed at issue.

9. Denied. The within averment contains a conclusion of law to which no reply is deemed

necessary but to the extent that any reply is necessary, then the averment, as stated is denied and placed at issue.

10. Denied. The within averment contains a conclusion of law to which no reply is deemed necessary but to the extent that any reply is necessary, then the averment, as stated is denied and placed at issue.

11. Denied. The within averment contains a conclusion of law to which no reply is deemed necessary but to the extent that any reply is necessary, then the averment, as stated is denied and placed at issue.

12. Denied. The within averment contains a conclusion of law to which no reply is deemed necessary but to the extent that any reply is necessary, then the averment, as stated is denied and placed at issue.

WHEREFORE, The Borough of Nesquehoning requests dismissal of the New Matter of the Carbon County Commissioners with prejudice.

Respectfully Submitted,

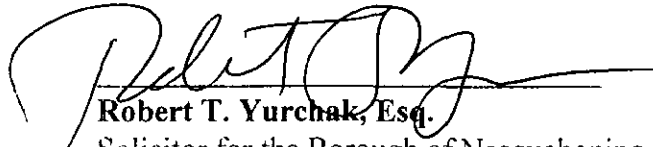


Robert T. Yurchak, Esquire  
Attorney for Borough of Nesquehoning  
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(570)669-6650  
Atty ID# 34943

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**VERIFICATION**

**Robert T. Yurchak, Esquire**, deposes and says that he is the Solicitor for the Boorugh of Nesquehoning, that he has through his own investigation of the facts involved in the foregoing case, sufficient knowledge, information and belief to state that the facts set forth in this pleading are true and correct to the best of his knowledge, information and belief and is hereby authorized to execute this verification on behalf of the Borough of Nesquehoning

  
**Robert T. Yurchak, Esq.**  
Solicitor for the Borough of Nesquehoning

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**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH OF PENNSYLVANIA**

**BOROUGH OF NESQUEHONING,  
COMPLAINANT**

**COMPLAINT DOCKET  
NO:**

**VS.**

**C&S RAILROAD and  
CARBON COUNTY COMMISSIONERS,  
RESPONDENTS**

**CERTIFICATE OF SERVICE**

I, Robert T. Yurchak, Esquire, Attorney for Borough of Nesquehoning, hereby certify that I have on this date served a copy of the Reply to New Matter of the Carbon County Commissioners upon the following persons by mailing a copy of the same by First Class mail, addressed, as follows:

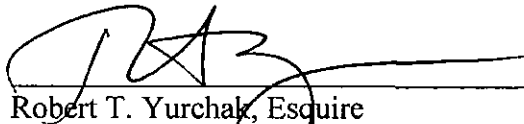
Daniel Miscavige, Esquire  
P.O. Box 129  
Jim Thorpe, PA. 18229

Gina D'Alfonso, Esquire  
PA DOT, P.O. Box 8212  
Harrisburg, PA. 17105-8212

Thomas C. Anewalt, Esquire  
234 North 6<sup>th</sup> Street  
Reading, PA. 19601

Adam Young, Esquire  
PA PUC Law Bureau  
P.O. Box 3265  
Harrisburg, PA. 17120

Date: 3/30/12

  
\_\_\_\_\_  
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Harrisburg, PA. 17105-3265

