

ROBERT T. YURCHAK

Attorney at Law

April 17, 2012

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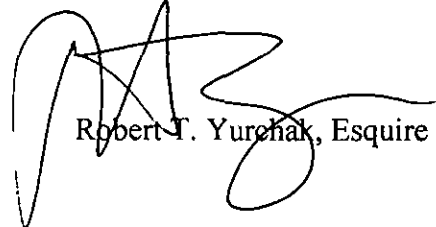
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA. 17105-3265

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

To whom it may concern,

Enclosed please find the Prehearing Memorandum of the Borough of Nesquehoning 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
Paul R. Ober, Esquire
Adam Young, Esquire

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

**BOROUGH OF NESQUEHONING,
COMPLAINANT**

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

VS.

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

PREHEARING MEMORANDUM OF BOROUGH OF NESQUEHONING

Pursuant to a Prehearing conference Order dated April 12, 2012 in the above captioned matter, Carbon County Commissioners hereby submit this prehearing memorandum.

(I) HISTORY OF THE PROCEEDING

On February 22, 2012, the Borough of Nesquehoning, 114 West Catawissa Street, Nesquehoning PA. Filed a Complaint in the above captioned matter against C&S Railroad Company and Carbon County . The complaint alleged that C & S Railroad Company and Carbon County have failed to maintain the Railroad Crossings within the Borough of Nesquehoning at the following locations:

1. Allen Street
2. Mermon Avenue
3. (2) crossings on Industrial Road

The Complaint further alleges that requests were made to seek maintenance of the crossings. The crossings are unsafe, dangerous and a hazard to the community and further, not passable to the handicapped. The complaint requests that the Commission require maintenance of the crossings aforementioned.

On or about March 13, 2012, the Carbon County Commissioners filed an

Answer as a respondent to the complaint. The Answer was a general denial of the allegations. On March 22, 2012, C&S Railroad filed Preliminary Objections to the complaint. On April 10, 2012, Pa Department of Transportation filed an Answer to the Complaint. No other answer was filed to the complaint.

No Discovery has been served at this time.

(II) ISSUES TO BE PRESENTED

Determination of the responsible party to maintain the viability of the railroad crossings within the Borough of Nesquehoning and the arrangement of a suitable timetable for implementing such maintenance.

(III) NAMES AND ADDRESSES OF WITNESSES:

1. Ron Tirpak, Borough Engineer, Carbon Engineering, Inc. 350 North Pine Street, Summit Hill, PA. 18250.
2. Mark Stromelo, Nesquehoning Borough Councilman, 114 West Catawissa Street, Nesquehoning, PA. 18240
3. Frank Jacobs, Nesquehoning Borough Councilman, 114 West Catawissa Street, Nesquehoning, PA. 18240
4. Lou Paul, Nesquehoning Borough Work Superintendent, 114 West Catawissa Street, Nesquehoning, PA. 18240
5. Others to be determined.

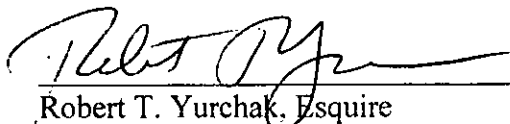
(IV) PROPOSED AREA OF TESTIMONY OF EACH WITNESS

Each witness will testify as to the condition of the crossings and the attempts made to have the County and/or the Railroad address the situation. It is anticipated that the testimony will establish that the responsible owner is Carbon County.

(V) OTHER ISSUES

At the present time, the Preliminary Objections of C&S Railroad remain outstanding.

Date: April 17, 2012



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