

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Carl Hill

Electronically Filed.

v.

Reading Blue Mountain & Northern Railroad  
Hazel Township  
Luzerne County  
Commonwealth of Pennsylvania Department of Transportation

No. C-2012-2303046

**ANSWER TO PENNDOT'S MOTION TO STRIKE EXCEPTIONS**

**NOW COMES**, Reading Blue Mountain & Northern Railroad (RBM), by and through its counsel, Paul R. Ober, Esquire and Thomas C. Anewalt, Esquire in Answer to PennDOT's Motion to Strike Exceptions and respectfully answers:

1. Admitted.
2. Denied. RBM cannot judge the veracity of the allegation that PennDOT never received RBM's Exceptions and only learned about the Exceptions by "happenstance." By way of further answer, the Exceptions were filed electronically on September 18, 2012. Counsel for PennDOT is listed on the Docket under Parties of Record authorizing service electronically. PennDOT's counsel was listed to receive service electronically. Pursuant to 52 Pa. Code Section 1.32, Registration as an e-filings user constitutes an agreement to receive electronic service. And in addition thereto, a copy of the Exceptions were mailed to all other parties via United States mail. As to PennDOT's receipt of service by "happenstance", after reasonable investigation, counsel for RBM is without sufficient information as to form a belief as to the truth of the averment.
3. Denied. It is specifically denied that a Certificate of Service was not filed with the petition. Attached hereto and made a part hereof is Exhibit "A" the Certificate of Service.
4. Denied. It is specifically denied that no party to this matter received Exceptions and the answering defendant incorporates herein by reference its answers to paragraphs 2 and 3 as stated above.
5. Admitted.
6. Denied. Counsel for RBM hereby incorporates its statements in answer to PennDOT's motion as to paragraphs 2, 3 and 4.

7. No answer required.

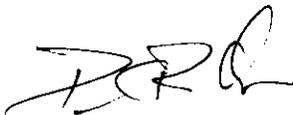
**NEW MATTER**

8. RBM incorporates herein by reference its answers to paragraphs 1 through 7 as stated above.
9. All proper service was made by the Respondent to the best of the Respondent's information and belief.
10. PennDOT's Motion to Strike is brought for an ulterior motive, to wit, to deny the Respondent an opportunity to be heard on the merits and is itself dilatory and contrary to the requirements of judicial economy.

**WHEREFORE**, Respondent respectfully requests the PennDOT's Motion to Strike be dismissed.

Respectfully Submitted:

Date: 10/12/12

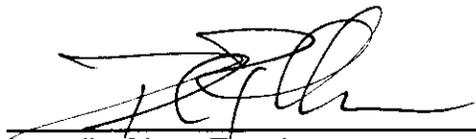
  
\_\_\_\_\_  
Paul R. Ober, Esquire

## VERIFICATION

I, Paul R. Ober, Esquire, verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief, based upon my review of the information supplied to me by the Defendant.

I am making this verification as attorney for the Defendant in that the Defendant is unavailable and his verification cannot be obtained within the time allowed for filing this pleading.

I understand that false statements hereunder are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



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Paul R. Ober, Esquire