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November 7, 2012

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

Re: **Docket No. C-2011-2248320**

Dear Secretary Chiavetta:

Enclosed is a notice of Appearance on behalf of Somerset County for filing in the above-referenced matter. Also enclosed for filing please find Somerset County's Prehearing Conference Memorandum in the above-captioned matter.

I hereby certify that a copy of the Appearance and the County's Prehearing Conference Memorandum has been sent to all parties of record as indicated on the Certificate of Service.

Very truly yours,



Daniel W. Rullo

DWR:cab  
Enclosure

cc: Parties of Record  
David A. Salapa, Administrative Law Judge

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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SECRETARY'S BUREAU

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| Borough of Windber,                   | : |                           |
|                                       | : |                           |
| Complainant,                          | : |                           |
|                                       | : |                           |
| v.                                    | : | Docket No. C-2011-2248320 |
|                                       | : |                           |
| B&E Railroad d/b/a Allegheny Southern | : |                           |
| Railroad, Somerset County,            | : |                           |
| Commonwealth of Pennsylvania          | : |                           |
| Department of Transportation          | : |                           |
| Respondents.                          | : |                           |

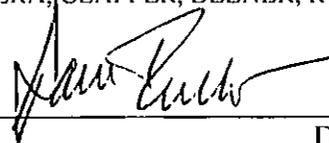
**APPEARANCE**

Please enter the appearance of Daniel W. Rullo, Esq., of Barbera, Clapper, Beener, Rullo & Melvin, LLP, Solicitor on behalf of Somerset County. I am authorized to accept service on behalf of Somerset County in the above proceedings.

Respectfully submitted,

BARBERA, CLAPPER, BEENER, RULLO & MELVIN, LLP

BY



Daniel W. Rullo, Esq.  
Court Admn. Cert. No. 27711

146 West Main Street  
Post Office Box 775  
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Telephone: (814) 443-4681  
Solicitor for Somerset County

Date: November 7, 2012

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Borough of Windber, :  
Complainant, :  
v. : Docket No. C-2011-2248320  
: :  
B&E Railroad d/b/a Allegheny Southern :  
Railroad, Somerset County, :  
Commonwealth of Pennsylvania :  
Department of Transportation :  
Respondents. :

**CERTIFICATE OF SERVICE**

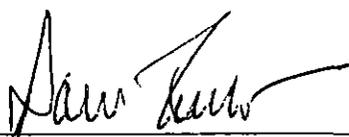
I hereby certify that a copy of the Appearance was served upon the following parties addressed as follows:

First-class United States Mail, postage prepaid:

Gina M. D'Alfonso, Esq.  
Assistant Counsel in Charge  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
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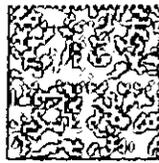
Chuck Erickson, President  
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(814) 659-1133

Jeffrey Berkey, Esq.  
Windber Borough Solicitor  
124 North Center Avenue  
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\_\_\_\_\_  
Daniel W. Rullo, Esq.  
Solicitor for Somerset County

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Dated: November 7, 2012



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**To**

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 Pennsylvania Utility Commission  
 P.O. Box 3265  
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