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November 15, 2012

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

Re: Borough of Windber v. B&E Railroad d/b/a Allegheny Southern Railroad, Somerset
County, Commonwealth of Pennsylvania Department of Transportation;
C-2011-2248320

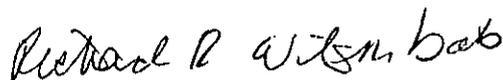
Dear Secretary Chiavetta:

Enclosed for filing please find B&E Railroad d/b/a Allegheny Southern Railroad's Pre-Hearing Conference Memorandum in the above captioned proceeding. Please time stamp a copy of this letter as proof of filing and return it to the undersigned in the enclosed self addressed, stamped envelope provided for that purpose.

A copy of this Pre-Hearing Memorandum has been served upon all parties in the Certificate of Service.

Very truly yours,

RICHARD R. WILSON, P.C.



Richard R. Wilson, Esq.

RRW/bab

Enclosures

xc: All Parties of Record

Allegheny Southern Railroad

The Honorable David A. Salapa, ALJ

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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PRE-HEARING CONFERENCE MEMORANDUM OF
B&E RAILROAD, d/b/a ALLEGHENY SOUTHERN RAILROAD COMPANY

In accordance with the Pre-Hearing Conference Order of Administrative Law
Judge David A. Salapa dated October 24, 2012, Allegheny Southern Railroad Company
("ASRC") submits the following Memorandum:

A. Party for Legal Services:

Richard R. Wilson, Esq., Richard R. Wilson, P.C., 518 N. Center Street, Ste. 1,
Ebensburg, PA 15931; Telephone Number 814-419-8152; Fax Number 814-419-8156;
Email Address is rwilson@rrwilson.net.

B. Statement regarding possible settlement of the case:

B&E Railroad d/b/a Allegheny Southern Railroad Company is currently pursuing
discussions concerning reactivation of its rail lines, including the three crossings which
are the subject of this proceeding, with Norfolk Southern Corporation and/or Kiski
Junction Railroad Company and PennDOT in order to coordinate reactivation with the
scheduled 2013 road resurfacing project on Route 160 within Windber Borough.

C. Proposed plan and schedule of discovery:

No further discovery is needed in this matter.

D. Other proposed Orders with respect to discovery:

None.

E. Proposed schedule for submission of written testimony, conducting an in-person hearing and submission of Briefs:

Given pending discussions between the parties and/or third party railroads, submission of written testimony or in-person hearings or Briefs are premature at this time.

F. Names, business addresses and telephone numbers of witnesses and the subject matter of each witness testimony:

1. Mr. Charles Erickson, Allegheny Southern Railroad, 4200 Rt. 22, East, Ste. 7, Blairsville, PA 15717; Telephone No. 814-467-5629. Mr. Erickson will testify concerning the possible reactivation of Allegheny Southern's rail facilities in the Borough of Windber, and the related coordination of PennDOT's Route 160 2013 resurfacing project as it impacts the three subject railroad crossings.

2. A civil engineering witness yet to be identified.

G. List of issues for the proceeding and Allegheny Southern Railroad Company's position relative thereto:

The current railroad crossings are part of an active common carrier railroad line which has not been abandoned before the Federal Surface Transportation Board.

Possible reactivation of Allegheny Southern Railroad Company's railroad facilities in Windber Borough necessitates the retention of all three crossings with appropriate

coordination with PennDOT regarding the Route 160 resurfacing project in 2013.

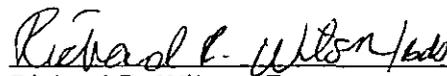
Allegheny Southern Railroad is currently pursuing arrangements for the interim repair and patching of potholes at its crossings caused by heavy coal truck traffic utilizing Route 160.

H. Statement describing the evidence of Allegheny Southern Railroad Company:

Allegheny Southern Railroad Company will present testimony from the witnesses noted above concerning reactivation of the rail facilities of Allegheny Southern Railroad Company within Windber Borough. Allegheny Southern Railroad will also present testimony demonstrating that each of the three crossings which are the subject of this complaint are essential and necessary for the operation of its railroad facilities within Windber Borough.

Respectfully submitted,

RICHARD R. WILSON, P.C.



Richard R. Wilson, Esq.
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Ebensburg, PA 15931

CERTIFICATE OF SERVICE

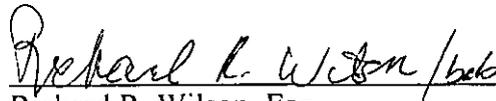
I hereby certify that I have this 15th day of November, 2012 served a copy of this Pre-Hearing Conference Memorandum upon the following by facsimile and U.S.

Regular Mail:

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Ms. Rosemary Chiavetta, Secretary
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