



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

February 1, 2013

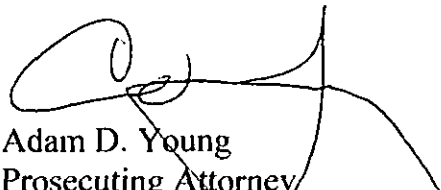
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**RE: Carl Lute v. Reading Blue Mountain & Northern Railroad,
Conyngham Township, Columbia Country, and Commonwealth of
Pennsylvania Department of Transportation;
Docket No. C-2012-2319319**

Dear Ms. Chiavetta:

Enclosed for filing is the original copy of the Pre-Hearing Conference Memorandum on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,



Adam D. Young
Prosecuting Attorney
Attorney ID No. 91822

Counsel for the Bureau of
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

SECRETARY'S BUREAU
PA PUC

2013 FEB - 1 PM 3: 08

RECEIVED

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Carl Lute	:	
	:	
v.	:	C-2012-2319319
	:	
Reading Blue Mountain & Northern Railroad,	:	
Conyngam Township, Columbia County,	:	
Commonwealth of Pennsylvania	:	
Department of Transportation	:	

**PRE-HEARING CONFERENCE MEMORANDUM OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

NOW COMES the Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement (I&E) and files this Pre-hearing Conference Memorandum in accordance with the Court's Pre-hearing Conference Order issued January 23, 2013.

Service:

All service on and communications to the Bureau of Investigations and Enforcement in this proceeding should be addressed to:

Adam D. Young
Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Issues to be Addressed:

The Commission must determine the following:

- (A) The condition of the crossing, the scope of work that needs to be performed on the crossing to alleviate any safety issues, assignment of future maintenance responsibilities and which parties should bear the cost of future maintenance, and which party or parties should bear the cost of the work to be performed.

Names and addresses of witnesses to be presented:

- (A) Holly Swartz, P.E.
Rail Division
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105

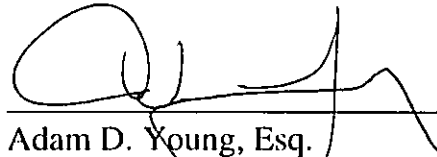
Proposed area of testimony for each witness:

This witness will testify as to the Rail Division's opinion regarding the condition of the crossing, the scope of work that in the opinion of the Rail Division needs to be performed to alleviate any safety concerns, who should be assigned future maintenance responsibilities, and who should bear the cost of the work to be performed and the future maintenance.

Other matters that may aid in expediting the orderly conduct and disposition of the proceeding, including the following:

- (A) The exchange and acceptance of service of exhibits proposed to be offered in evidence.
- (B) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.

(C) The discovery or production of data or other material.



Adam D. Young, Esq.
Prosecutor
Attorney ID No. 91822
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: February 1, 2013

RECEIVED
2013 FEB - 1 PM 3:09
PA PUC
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Pre-Hearing Conference Memorandum, on the persons listed and in the manner indicated below which service satisfies the requirements of 52 Pa. Code §1.54.

Service by First Class Mail:

David Noon Esquire
Conyngham Township Solicitor
Wiest Muolo, Noon & Swinehart
244 Market Street
Sunbury, PA 17801

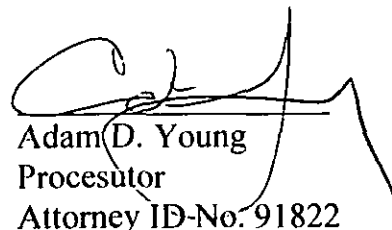
Carl Lute
143 Missouri Lane
Kulpmont, PA 17834

Wayne Michel, President
Reading Blue Mountain and
Northern Railroad
1 Railroad Boulevard
P. O. Box 218
Port Clinton, PA 19549

Anthony J. McDonald, Esquire
Bull Bull Knecht LLP
106 Market Street
Berwick, PA 18603

Nicholas D. Mertens
Assistant Counsel
Commonwealth of Pennsylvania
Office of Chief Counsel
Department of Transportation
P. O. Box 8212
Harrisburg, PA 17105-8212

RECEIVED
2013 FEB - 1 PM 3:09
PA PUC
SECRETARY'S BUREAU



Adam D. Young
Prosecutor
Attorney ID-No. 91822

Counsel for the
Bureau of Investigation and Enforcement

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: February 1, 2013