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| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

February 8, 2013

A-2012-2332112

TO ALL PARTIES

Application of Windstream Pennsylvania LLC for approval of the alteration of the crossing (AAR DOT# 502549U) by the installation of aerial fiber facilities where S. R. 4002 (Little Beaver Road) crosses above grade, the tracks of Norfolk Southern Railway Company, located Darlington Township, Beaver County.

To Whom It May Concern:

By application filed with the Commission on October 26, 2012, Windstream Pennsylvania, LLC seeks Commission approval to alter the crossing by the installation of a new aerial fiber optic cable along S. R. 4002 (Little Beaver Road) where the highway crosses, at grade, the tracks of Norfolk Southern Railway Company in Darlington Township, Beaver County.

The new aerial fiber optic cable will attach to Penn Power Company (First Energy Corporation) poles. A minimum vertical clearance of twenty-eight (28)feet-three (3) inches will be provided.

The Commission hereby establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way.

In its application, Windstream Pennsylvania, LLC states that the proposed installation is necessary to improve service to the public. Windstream Pennsylvania, LLC will be directed to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for the new aerial fiber optic cable, at its sole cost and expense. The estimated cost of installation of these facilities is $5,000.00.

All work is to be performed in accordance with sketch entitled: “Norfolk Southern Crossing # 502549U,” attached to the subject application.

Windstream Pennsylvania, LLC has served a copy of the application and installation sketch on Darlington Township, Norfolk Southern Railway Company, Penn Power Company and Pennsylvania Department of Transportation. All parties in interest, with the addition of Beaver County, were queried by letter dated January 18, 2013 as to any objection to the subject application. None of the parties have responded with any objection to the subject application.

Upon full consideration of the matters involved, we find that a hearing is not necessary and that a Secretarial Letter may be issued approving the application.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Windstream Pennsylvania, LLC is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.

2. The crossing where S. R. 4002 (Little Beaver Road) crosses, at grade, the tracks of Norfolk Southern Railway Company in Darlington Township, Beaver County be altered generally in accordance with the installation sketch entitled: “Norfolk Southern Crossing # 502549U,” consisting of one (1) sheet filed with the Commission on October 26,2012; which sketch is made part hereof and is hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.

3. Windstream Pennsylvania, LLC, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the installation of a new aerial fiber optic cable within the right-of-way of the highway where S. R. 4002 (Little Beaver Road) crosses, at grade, the tracks of Norfolk Southern Railway Company, all in accordance with the approved sketch and this Secretarial Letter.

4. Windstream Pennsylvania, LLC, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.

5. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than Windstream Pennsylvania, LLC, which may be required as incidental to the alteration of the crossing, be made by said public utility at its initial cost, and in such a manner as will not interfere with the alteration of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

6. Norfolk Southern Railway Company, at the sole cost and expense of Windstream Pennsylvania, LLC furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad’s operations or facilities during the time the facilities are being installed.

7. Windstream Pennsylvania, LLC, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved plan and this Secretarial Letter.

8. The alteration of the crossing be completed on or before January 31, 2014, and that on or before said date, Windstream Pennsylvania, LLC, report in writing the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been satisfactorily completed in accordance with the approved plans and this Secretarial Letter.

9. Windstream Pennsylvania, LLC, at its sole cost and expense, pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

10. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced, and so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

11. Windstream Pennsylvania, LLC, at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

12. Upon completion of the alteration of the crossing, Windstream Pennsylvania, LLC, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the new aerial fiber optic cable and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

13. Upon completion of the alteration of the crossing, Norfolk Southern Railway Company at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing, including the warning devices and all appurtenant equipment; and maintain at all times in a smooth and satisfactory condition the crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, Pennsylvania Department of Transportation at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways to the subject crossing to points twenty-four (24) inches beyond each outside rail and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

15. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any remaining costs incurred by the non-carrier utility companies and other matters relevant to this proceeding.

The parties are reminded that any failure to comply with this Secretarial Letter may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to Public Utility Code 66 Pa. C.S. §3301.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this letter.



Very truly yours,

Rosemary Chiavetta

Secretary