



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

IN REPLY PLEASE
REFER TO OUR FILE

April 19, 2013

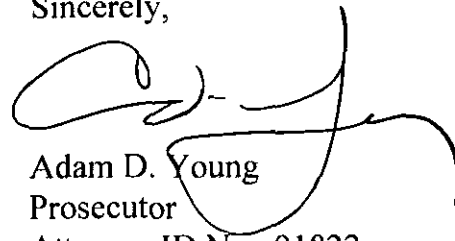
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: City of Pottsville v. Reading Blue Mountain & Northern Railroad,
Schuylkill County, Commonwealth of Pennsylvania Department of
Transportation
Docket No. C-2012-2330567**

Dear Secretary Chiavetta:

Enclosed for filing is the original copy of the Prehearing 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
Prosecutor
Attorney ID No. 91822

Enclosure

cc: As per Certificate of Service

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

City of Pottsville :
 :
 v. : C-2012-2330567
 :
 Reading Blue Mountain & Northern Railroad, :
 Schuylkill 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 March 20, 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

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Issues to be Addressed:

The Commission must determine the following:

- (A) Whether the wall and/or railing at issue is a railroad facility thereby giving the Commission jurisdiction in this case.
- (B) The condition of the crossing, the scope of work that needs to be performed on the railing and wall 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) George Steiner, P.E.
Rail Division
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105

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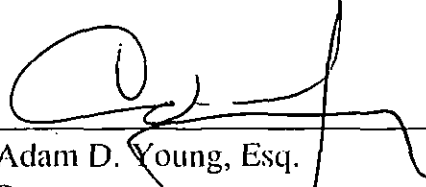
Proposed area of testimony for each witness:

This witness will testify as to the Rail Division’s opinion regarding the condition of the railing/wall at issue, 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
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(717) 787-5000

Dated: April 19, 2013

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons listed and in the manner indicated below:

Notification by first class mail addressed as follows:

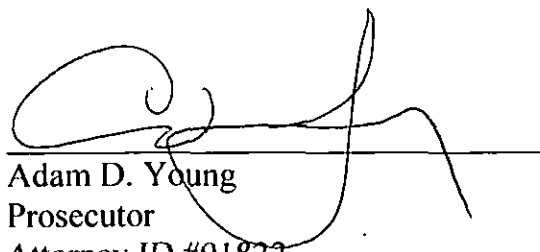
Alvin B. Marshall, Esquire
Office of County Solicitor
401 North Second Street
Pottsville, PA 17901-2528

The Honorable Ember Jandebaur
Pennsylvania Public Utility
Commission
Office of Administrative Law Judge
317 State Office Building
100 Lackawanna Avenue
Scranton, PA 18503

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234 North 6th Street
Reading, PA 19601


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Attorney ID #91822
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Dated: April 19, 2013

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