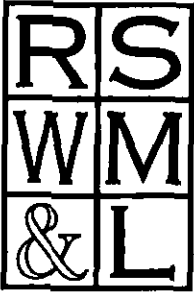


LAW OFFICES



**REESE, SAMLEY, WAGENSELLER, MECUM & LONGER**  
A PROFESSIONAL CORPORATION

TIMOTHY J. REESE  
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August 5, 2013

*Via Facsimile and First Class Mail*  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Application of Consolidated Rail Corporation for the Abolition of 31 Crossings of the Enola Branch, LC: 201323, MP 3.5 to MP 27.0, Sub No. 1095 X, Harrisburg Division, Lancaster County, Docket No. A-00111016

Board of Supervisors of Bart Township v. Consolidated Rail Corporation, Pennsylvania Department of Transportation and Lancaster County, et al.; Docket No. C-00913256

**EDEN TOWNSHIP REQUEST FOR EXTENSION**

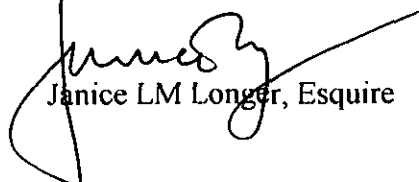
Dear Secretary Chiavetta:

Enclosed for filing is an Eden Township Request for Extension of the February 25, 2013 Scheduling Order. A previous request was granted which extended the date for submission of direct testimony and the hearing date to August 12, 2013 and October 17, 2013, respectively. A further extension is requested because Eden township and PennDot continue to have serious settlement negotiations. Copies have been served upon the parties of record in accordance with the Certificate of Service, all of whom have indicated that they do not oppose this request..

Also enclosed is an additional first page of the Request. Kindly time-stamp the page and return it to my attention in the envelope provided.

Thank you for your consideration. Please contact me if you need further information.

Sincerely,

  
Janice LM Longer, Esquire

JLML/tlv

cc: Eden Township

RECEIVED  
2013 AUG -6 AM 10:23  
PA.P.U.C.  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Consolidated Rail Corporation for the abolition of thirty-one crossings of the Enola Branch, LC201323, MP 3.5 to MP 27.0, Sub No. 1095X, Harrisburg Division, Lancaster County,

Board of Supervisors of Bart Township

v.

Consolidated Rail Corporation and the Pennsylvania Department of Transportation and Commissioners of the County of Lancaster, et al.

Docket No. A-00111016

Docket No. C-00913256

PA.P.U.C.  
SECRETARY'S BUREAU

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**EDEN TOWNSHIP REQUEST FOR EXTENSION**

Pursuant to the Order of the Commission dated May 7, 2013, granting Eden Township an extension of time within which to provide Direct Testimony, and revising the litigation schedule for a hearing on Eden's Petition on October 17, 2013 Eden Township submits the following:

1. Eden Township designates Janice L.M. Longer, Esquire, solicitor for Eden Township, whose address is 120 North Shippen Street, Lancaster, PA 17602, as the person upon whom service shall be made on behalf of the township.
2. On October 9, 1997, the Pennsylvania Public Utility Commission (Commission) entered an Opinion and Order approving a Stipulation of Settlement entered into by multiple parties to resolve various issues in connection with an Application filed by Consolidated Rail Corporation (Conrail) at Docket Nos. A-00111016 and C-00913256. Conrail's Application sought the abolition of thirty-one (31) crossings where the Enola Branch, Harrisburg Division, crossed above and below certain highways in a total of eight (8) municipalities in Lancaster and Chester Counties.
3. Eden Township is a Second Class Township and contains the crossing identified in the 1997 Opinion and Order (Petition) as Crossing No. 10 (Pumping Station Road).
4. On April 19, 2012, Eden Township filed a Petition to Modify Portions of the October 9, 1997 Opinion and Order Entered by the Pennsylvania Public Utility Commission.

5. Pursuant to Order dated January 25, 2013, a Prehearing Conference (Conference) to address Eden Township's Petition was scheduled and held on February 21, 2013.

6. The Conference was attended by the following parties: Benjamin C. Dunlap, Jr., Esquire on behalf of Norfolk Southern, David Screven, Esquire, on behalf of BI&E, Gina D'Alfonso, Esquire on behalf of PennDOT, Michael Gruin, Esquire, on behalf of Pennsylvania American Water Company (PAWC), Martha Smith, Esquire, on behalf of DCNR, and Janice LM Longer, Esquire, on behalf of Eden Township.

7. As a result of the Conference, a procedural schedule was agreed to and adopted pursuant to which Eden Township was required to submit Direct Testimony by May 10, 2013 and a hearing was scheduled for July 17, 2013.

8. Pursuant to the request of Eden Township, the schedule was modified by Order dated May 7, 2013 to provide for the following schedule: that Eden's direct testimony is due on August 12, 2013; Intervenor Direct Testimony by September 9, 2013, All party rebuttal testimony by September 30, 2013, and a hearing to be held on October 17, 2013.

9. Eden Township is still in negotiations with PennDOT and it appears that the two parties may be able to reach a settlement and resolve the outstanding issues pertaining to Pumping Station Road and the stone-arch bridge. There have been meaningful discussions between the parties' engineers and Eden is continuing to work to provide a response to PennDot's proposal.

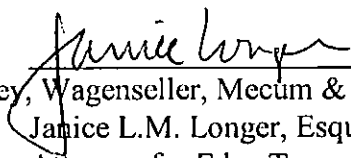
10. Since it is the Commission's policy pursuant to 52 Pa. Code §5.231(a) to promote settlements, Eden Township requests an extension of an additional sixty (60) days for submission of Direct Testimony and further that the remaining schedule be modified in conformity with Eden Township's request so that the hearing would take place on or about December 17, 2013.

11. Therefore, for the foregoing reason, Eden requests a sixty (60) day extension of the deadline to submit direct testimony and a corresponding extension of the submission of direct and rebuttal testimony and of the hearing date in this matter.

12. The parties on the Commission's service list of February 25, 2013 have been notified of this request and all concur with this request.

Respectfully submitted,

August 5, 2013

  
\_\_\_\_\_  
Reese, Samley, Wagenseller, Mecum & Longer, PC  
Janice L.M. Longer, Esquire  
Attorney for Eden Township  
Pa Attorney I.D. No. 33057  
120 North Shippen Street  
Lancaster, PA 17602  
(717)393-0671

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Consolidated Rail  
Corporation for the abolition of  
thirty-one crossings of the Enola Branch,  
LC201323, MP 3.5 to MP 27.0, Sub No.  
1095X, Harrisburg Division, Lancaster  
County,

Board of Supervisors of Bart Township

v.

Consolidated Rail Corporation  
and the Pennsylvania Department of  
Transportation and Commissioners  
of the County of Lancaster, et al.

Docket No. A-00111016

Docket No. C-00913256

PA P.U.C.  
SECRETARY'S BUREAU

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Petition to Modify upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54, by electronic mail to:

Benjamin C. Dunlap, Jr., Esquire  
200 North Third Street, 18<sup>th</sup> Floor  
PO Box 840  
Harrisburg, PA 17108

Michael A. Gruin, Esquire  
Stevens & Lee  
16<sup>th</sup> Floor  
17 North Second Street  
Harrisburg, PA 17101

David E. Screven, Esquire  
PA PUC Law Bureau  
PO Box 3265  
Harrisburg, PA 17105-3265

Gina M. D'Alfonso, Esquire  
PennDot  
PO Box 8212  
Harrisburg, PA 17105-8212

Dennis M. Moore  
National Railroad Passenger Corp  
AMTRAK Law Department  
Washington, DC 20002

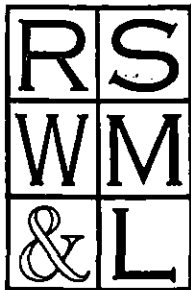
Martha R. Smith, Esquire  
DCNR  
Governor's OGC  
400 Market Street  
Rachel Carson Bldg, 7<sup>th</sup> Floor  
PO Box 8767  
Harrisburg, PA 17105

Date: Aug 5, 2013

Respectfully submitted:

By: Janice LM Longer  
Janice LM Longer, Esquire  
Eden Township Solicitor  
120 North Shippen Street  
Lancaster, PA 17602  
ID 33057  
(717)393-0671

LAW OFFICES



**REESE, SAMLEY, WAGENSELLER, MECUM & LONGER**

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LANCASTER, PA 17602

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

171053265

