

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION**

Bridge Structure where State Route 1025  
crosses over a single track of Canadian Pacific  
Railway (264 293 K) in Nicholson Borough,  
Wyoming County

M-2013-2364201

**PREHEARING CONFERENCE MEMORANDUM OF  
DELAWARE AND HUDSON RAILWAY COMPANY, INC.  
dba CANADIAN PACIFIC**

Delaware and Hudson Railway Company, Inc. dba Canadian Pacific (“D&H”) submits the following Pre-Hearing Conference Memorandum in accordance with Paragraph Three of the Prehearing Conference Order dated August 22, 2013.

I. Service on and correspondence with D&H should be provided to:

Erin A. Brennan, Esq.  
Oliver Price & Rhodes  
P.O. Box 240  
Clarks Summit, PA 18411  
Telephone: (570) 585-1200  
Attorneys for Delaware and Hudson Railway Company, Inc.  
d/b/a Canadian Pacific

II. Settlement

D&H expects that this case will be settled without need for an adversary proceeding and is currently engaged in settlement discussions with the Pennsylvania Department of Transportation (the “Department”).

III. Proposed plan and schedule of discovery

D&H does not foresee the need to conduct extensive discovery in this matter. All discovery, if any, should be conducted on an informal basis and pursuant to the Commissions Regulations, 52 Pa. Code § 5.321 *et seq.* D&H requests that the discovery period be closed twenty (20) days prior to the submission of written pre-filed testimony.

IV. Other proposed orders with respect to discovery

None.

V. Proposed testimony, hearing, and briefing schedule

Written direct testimony due 20 days prior to hearing

Rebuttal testimony due 10 days prior to hearing

Hearing Date: Week of December 16, 2013

Main briefs due 20 days after the date of service of notice of filing of the transcript

Reply briefs due 30 days after the date of service of notice of filing of the transcript

VI. Name and Addresses of Potential Witnesses

D&H does not currently anticipate presenting testimony in this case but reserves the right to provide evidence and/or testimony as may be necessary should settlement with the Department prove unsuccessful.

VII. Issues and sub-issues of this proceeding which the party intends to address and a statement of the party's position on each of the issues and sub-issues listed


The proceeding should be limited to determining the remedial action necessary to reopen the subject bridge safely to the public.

VIII. Statement describing the evidence the party proposes to present at the hearing, relating to each of the issues and sub-issues the party intends to address:

The Department's bridge inspection reports, engineering inspections, and analysis should be sufficient to determine the existing structural condition of the subject bridge and the feasibility of, and any remedial action necessary, to reopen the bridge safely.

Dated: October 2, 2013

Respectfully submitted,



Erin A. Brennan

Oliver Price & Rhodes

P.O. Box 240

Clarks Summit, PA 18411

Telephone: (570) 585-1200

Attorney for Delaware and Hudson Railway  
Company, Inc.

d/b/a Canadian Pacific

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 relating to service by a party.

David A. Salapa  
Administrative Law Judge  
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Harrisburg, PA 17105-3265

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Adam D. Young  
PA Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17120

Dated this 2nd day of October, 2013.

  
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(Signature)