



not every party has signed these stipulations, they constitute a partial settlement of this case.

With respect to the stipulation with the townships, I noted that the signature of one of the township secretaries was missing from the attestation signature line and directed that it be returned to the township to complete execution of the document. After the conference, I noticed that the stipulation (page 11, ¶9.1) required the completion of a survey to set the property line between the Enola Branch and the Port Road. There was no date set for the completion of the survey. I will require that the survey and all related property descriptions be completed before the hearings which are set for the week of June 9, 1997.

Since these stipulations form a partial settlement, litigation must continue to allow the remaining parties to put their positions on the record. Accordingly, Conrail retains the burden of proving that its application should be granted. Public Utility Code, 66 Pa. C.S. §332(a).

In order to permit litigation to continue in an orderly fashion, the following schedule was devised: All parties must serve their written direct testimony or supplements thereof on or before April 7, 1997, at 4:00 p.m. in hand on all other parties and me. Any party which intends to rely on previously served testimony should state those intentions in a letter and serve it in accordance with the above instructions. All parties must serve their written rebuttal testimony on or before May 12, 1997, at 4:00


p.m. in hand on all other parties and me. Two days of hearings will be set during the week of June 9, 1997. All parties will be prepared to proceed on the first day. The second day will be used as a spill-over day and used only if necessary.

ORDER

NOW THEREFORE, IT IS ORDERED:

1. That the survey to separate the rights-of-way of the Enola Branch and the Port Road and all documents related to that survey be completed prior the hearings to be held during the week of June 9, 1997.

2. That all testimony be served and hearings held in accordance with instructions above.

  
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LOUIS G. COCHERES  
Administrative Law Judge

DATED: March 11, 1997