

# Nauman Smith

Attorneys At Law

Please Reply to:  
P. O. Box 840  
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.  
E-mail: [bdunlapjr@nssh.com](mailto:bdunlapjr@nssh.com)  
Telephone Extension: 21

August 4, 2015

**Via Electronic Mail**

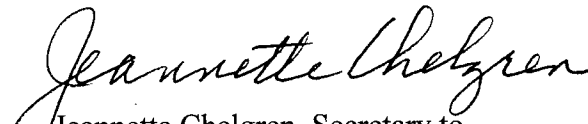
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**RE: Bridge structure where State Route 1025 crosses over a single track of Delaware and Hudson Railway Company, Inc. (264 293 K) in Nicholson Borough, Wyoming County.  
Docket No. M-2013-2364201**

Dear Secretary Chiavetta:

I am enclosing herewith a Motion for Continuance for filing on behalf of Norfolk Southern Railway Company in the above-referenced matter. As evidenced by the attached Certificate of Service, a copy of the Motion has been served on all interested parties. A hard copy of the Motion will **not** be delivered to your office pursuant to the most recent requirements.

Sincerely yours,

  
Jeannette Chelgren, Secretary to  
Benjamin C. Dunlap, Jr.

Enclosure

cc: All Interested Parties of Record  
Randy Noe, Esquire  
Timothy Bentley, Esquire  
Thomas Bracey

Superior analysis. Effective solutions. Since 1871.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Bridge structure where State Route 1025</b>	<b>:</b>	
<b>crosses over a single track of Delaware and</b>	<b>:</b>	
<b>Hudson Railway Company, Inc. (264 293 K)</b>	<b>:</b>	<b>Docket No. M-2013-2364201</b>
<b>in Nicholson Borough, Wyoming County</b>	<b>:</b>	
	<b>:</b>	<b>Filed Electronically</b>

**MOTION FOR CONTINUANCE**

Norfolk Southern Railway Company (“Norfolk Southern”), by and through its undersigned counsel, hereby files this Motion for Continuance of the litigation schedule in the above-referenced matter, pursuant to 52 Pa. Code § 1.15(b), based upon the following:


1. Norfolk Southern is currently involved in proceedings to purchase the rail line on which the subject crossing in this matter is located.
2. Closing on the purchase of the rail line had been scheduled for mid-August, but has now been moved back to mid- to late September.
3. Following closing, Norfolk Southern plans to engage in discussions with the Pennsylvania Department of Transportation (“PennDOT”) and other involved entities on a potential global resolution of the disposition of the bridge structure involved in this matter as well as six other crossing structures involved in the Commission’s investigation proceeding at Docket No. I-2015-2472242.
4. Norfolk Southern requests an extension of the litigation schedule in the above matter, with a hearing scheduled in late January or early February and the parties’ written direct testimony due in mid-January, 2016, to accommodate the timing of those discussions.

5. Norfolk Southern has contacted counsel for Delaware and Hudson Railway Company, Inc., PennDOT, Penelec, Nicholson Borough, Wyoming County, and the Commission's Bureau of Investigation and Enforcement, and all concur with this continuance request.

WHEREFORE, Norfolk Southern Railway Company respectfully requests that this Honorable Commission grant its Motion for Continuance of the litigation schedule in this matter as set forth above.

Respectfully submitted,

NAUMAN, SMITH, SHISSLER & HALL, LLP

By   
Benjamin C. Dunlap, Jr., Esquire  
Supreme Court I.D. #66283

200 North Third Street, 18<sup>th</sup> Floor  
P. O. Box 840  
Harrisburg, PA 17108-0840  
717-236-3010  
Attorney for Norfolk Southern Railway Company

Date: August 4, 2015

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Bridge structure where State Route 1025** :  
**crosses over a single track of Delaware and** :  
**Hudson Railway Company, Inc. (264 293 K)** : **Docket No. M-2013-2364201**  
**in Nicholson Borough, Wyoming County** :  
: **Filed Electronically**

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing Motion for Continuance on behalf of Norfolk Southern Railway Company, in the above action, this day by depositing the same in the United States mail, postage prepaid, in Harrisburg, Pennsylvania, addressed to:

Erin Brennan, Esquire  
Oliver Price & Rhodes  
1212 South Abington Road  
P. O. Box 240  
Clarks Summit, PA 18411

Spring Communications Company LP  
Wes Carpenter  
484 Williamsport Pike  
Box 113  
Martinsburg, WV 25404

James E. Davis, Esquire  
7 Marion Street  
Tunkhannock, PA 18657

Joe Stec  
100 CTE Drive  
Dallas, PA 18612

Anthony P. Litwin, Esquire  
24 East Tioga Street  
Tunkhannock, PA 18657  
Pottsville, PA 17901

Elmer Day  
1 Comcast Way  
Duryea, PA 18642-1114

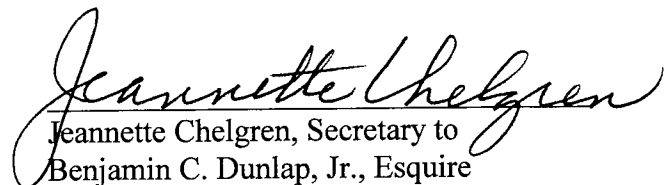
Gina M. D'Alfonso, Esquire  
Nicholas D. Mertens, Esquire  
PennDOT - Office of Chief Counsel  
P. O. Box 8212  
Harrisburg, PA 17105-8212

Tori Giesler, Esquire  
First Energy Service Company  
2800 Pottsville Pike  
P. O. Box 16001  
Reading, PA 19612-6001

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

Francis J. Noonan, Jr.  
PA State Police  
3<sup>rd</sup> Floor Department Headquarters  
1800 Elmerton Avenue  
Harrisburg, PA 17110

Date: August 4, 2015

  
Jeannette Chelgren, Secretary to  
Benjamin C. Dunlap, Jr., Esquire