

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00	:	
2. BUREAU: TNR	:	
3. SECTION(S):	:	4. PUBLIC MEETING DATE:
5. APPROVED BY:	:	00/00/00
DIRECTOR:	:	
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 06/28/99
8. DOCKET NO: C-00992585	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: DURYEA BOROUGH "ET AL"

RESPONDENT/APPLICANT: READING, BLUE MTN & NORTHERN RR

COMP/APP COUNTY: LUZERNE

UTILITY CODE: 500014

ALLEGATION OR SUBJECT

COMPLAINANT STATES DURYEA BORO COUNCIL HAS RECEIVED NUMEROUS COMPLAINTS REGARDING RAILROAD CROSSING IN DURYEA BORO. CROSSINGS ARE UNEVEN, LOOSE RAILROAD TIES AND POTHOLES THE CONDITIONS ARE DETERIORATING CONSTANTLY. SITE INCLUE CROSSINGS ON COXTON RD, FOOTE AVE, PHOENIX ST, MARCY ST & YORK AVE. WOULD LIKE CROSSINGS INSPECTED AND APPROPRIATE ACTION TAKEN. ADDITIONAL RESPONDENTS ARE: PENNDOT, DURYEA COUNTY SOLICITOR, LUZERNE COUNTY SOLICITOR.

DOCKETED
JUN 28 1999

DOCUMENT
FOLDER

COMPLAINT

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

For Commission Use Only:
COMPLAINT DOCKET NO.

C-00992585
862252

REF. #

99 JUN 28 AM 9:50
UTILITY CODE

VS.

RECEIVED
SECRETARY'S BUREAU

PLEASE PRINT:

1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

500014

Name

Duquesa Borough

Street

315 Main Street

City

Duquesa

State

PA

Zip

18642

County

Luzerne

Home Telephone-Area Code (5)

Work Telephone-Area Code 570 655-2829

2. COMPANY YOU ARE COMPLAINING ABOUT.

Name

Reading & Northern Railroad

3. WHAT IS YOUR COMPLAINT (DESCRIBE PROBLEM).

Duquesa Borough Council has received numerous complaints regarding railroad crossings in Duquesa Borough. Crossings are uneven, loose railroad ties and potholes. The conditions are deteriorating constantly. Sites include crossings on Coxtown Rd, Foute Ave, Phoenix St, Marcy St, and York Ave. With the increase in railroad traffic, the railroad crossings should be in 'good condition'.

(More Space On Back)

For Commission Use Only:

DATE FILED

MONITOR

BUREAU

46

(If You Need More Space Attach Paper)

4. WHAT DO YOU WANT US TO DO?

Council would like the commission to inspect the crossings and take the appropriate action to have Reading & Northern reppar the tracks and crossings

Robert Bejeski
Notarial Seal
Robert P. Bejeski, Notary Public
Avoca Boro, Luzerne County
My Commission Expires Oct. 2, 2000

Member, Pennsylvania Association of Notaries

(If You Need More Space Attach Paper)

YOU MUST SIGN HERE

John Monroele - Borough Secretary
Signature of complainant or attorney for corporate complainant

PUT TODAY'S DATE HERE

June 21 1999
Today's Date

YOU DO NOT NEED A LAWYER

If you DO have a lawyer PLEASE PRINT the lawyer's name, address and telephone number below.

Lawyer's Name Attorney Brian Carocoran
Street 400 Third Ave.
City Kingshew State PA Zip 18704
Telephone Number-Area Code (510) 331-2990

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

DATE SERVED: JUNE 29, 1999

DURYEA BOROUGH
Complainant

VS.

Complaint Docket
No: C-00992585

DOCKETED
JUN 28 1999

ANDREW GORDON - PENNDOT
Respondent

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR
SATISFY

TO: ANDREW GORDON- PENNDOT
TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17120**, an answer (original and two copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

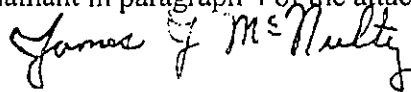
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66

Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

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James J. McNulty
Secretary

(SEAL)

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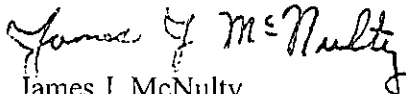
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DATE SERVED: JUNE 29, 1999

DURYEA BOROUGH
Complainant

VS.

Complaint Docket
No: C-00992585

DOCKETED
JUN 28 1999

BARRY J CHROMEY-SOLICITOR
Respondent

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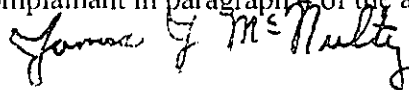
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Secretary

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DATE SERVED: JUNE 29, 1999

DURYEA BOROUGH
Complainant

VS.

Complaint Docket
No: C-00992585

DOCKETED
JUN 28 1999

RICHARD M GOLDBERG-SOLICITOR
Respondent

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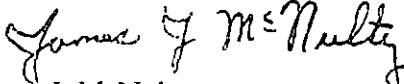
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James J. McNulty
Secretary

(SEAL)

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

DATE SERVED: JUNE 29, 1999

C-00992585-

RICHARD M GOLDBERG - SOLICITOR
LUZERNE COUNTY COURT HOUSE
200 N RIVER ST
WILKES BARRE PA 18711

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DURYEA BOROUGH. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

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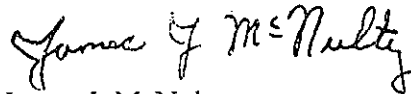
JUNE 29, 1999

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,



James J. McNulty
Secretary

JIL

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

DATE SERVED: JUNE 29, 1999

C-00992585

BARRY J CHROMEY
DURYEY BOROUGH SOLICITOR
629 S MAIN ST
OLD FORGE PA 18518

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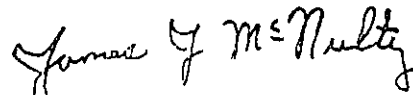
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Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

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

DATE SERVED: JUNE 29, 1999

C-00992585-

READING, BLUE MTN & NORTHERN RR
PO BOX 218
PORT CLINTON PA 19549

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

DATE SERVED: JUNE 29, 1999

C-00992585

ANDREW GORDON
PENNDOT CHIEF COUNSEL
555 WALNUT ST 9TH FLOOR FORUM PLACE
HARRISBURG PA 17101

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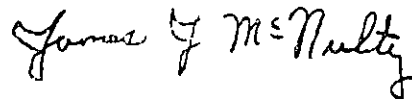
JUNE 29, 1999

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

JIL