

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: TSR	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 05/24/99
8. DOCKET NO: C-00992533	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: MATALAVAGE, DONALD TAMAQUA BORO MANAGR

RESPONDENT/APPLICANT: READING, BLUE MTN & NORTHERN RR

COMP/APP COUNTY: SCHUYLKILL UTILITY CODE: 500014

ALLEGATION OR SUBJECT

DONALD MATALAVAGE IS FILING COMPLAINT FOR BOROUGH OF TAMAQUA. THEY FEEL THE CONDITION OF CROSSING ON WEST BROAD STREET ENDANGERS THE SAFETY OF PEDESTRIAN USING SIDEWALKS AND MOTOR VEHICLES TRAVELLING IN OPPOSITE DIRECTION BECAUSE DRIVERS SWERVE TO MISS SIGNIFICANT DEPRESSIONS IN CROSSING AREA.

DOCUMENT
FOLDER

DOCKETED
JUN 10 1999

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00
- 2. BUREAU: TSR
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE: KNERR
- 8. DOCKET NO: C-00992533
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Corrected

PARTY/COMPLAINANT: MATALAVAGE, DONALD TAMAQUA BORO MANAG

RESPONDENT/APPLICANT: READING, BLUE MTN & NORTHERN RR ET AL

COMP/APP COUNTY: SCHUYLKILL

UTILITY CODE: 500014

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DOCUMENT
FOLDER

EEF

LAW OFFICES
BOWE, LISELLA AND BOWE

109 WEST BROAD STREET
P. O. Box 290

TAMAQUA, PENNSYLVANIA 18252-0290

(717) 668-1241

FAX (717) 668-4511

74 SOUTH KENNEDY DRIVE
MC ADAM, PENNSYLVANIA 18237
(717) 929-3735

JAMES R. BOWE
THOMAS R. LISELLA
JEFFREY P. BOWE

PLEASE REPLY TO: TAMAQUA OFFICE

Please Note:
Our New Area Code is "570"

May 21, 1999

CERTIFIED MAIL

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

RE: Borough of Tamaqua
vs.
Reading, Blue Mountain and
Northern Railroad Company

Gentlemen:

Enclosed please find a formal complaint which I am filing on behalf of the Borough of Tamaqua against the Reading, Blue Mountain and Northern Railroad Company. I assume the Commission will contact me in the near future with regard to the scheduling of a hearing date.

Very truly yours,

BOWE, LISELLA AND BOWE


Jeffrey P. Bowe

JPB/pch
Enclosure
cc: Donald Matalavage, Borough Manager

FORMAL COMPLAINT FORM

Pennsylvania Public Utility Commission

ORIGINAL

C-0099 2533

500014

Please Print:

99 MAY 24 AM 9:43

RECEIVED SECRETARY'S BUREAU

1. Your Name, Mailing Address and Telephone Number.

Name Donald Matalavage, Borough Manager
Borough of Tamaqua

Street/P.O. Box 320 East Broad Street Apt.#

City Tamaqua State PA Zip 18252

County Schuylkill Home Telephone-Area Code ()
Work Telephone-Area Code (570) 668-0300

2. Name of Company your complaint concerns: Reading, Blue Mountain and Northern Railroad Company

3. What is your complaint?

The Reading, Blue Mountain and Northern Railroad Company maintains an at-grade rubberized railroad crossing in the Borough of Tamaqua situate on West Broad Street, within 100' of the main intersection in the Borough. The condition of the crossing, particularly in the westbound lane causes traffic to swerve either to the left or right to avoid significant depressions in the crossing area. This condition endangers the safety of pedestrians using adjacent sidewalks and motor vehicles travelling in the opposite direction.

(If you need more space, use additional paper and attach to this form).

(-over-)

22

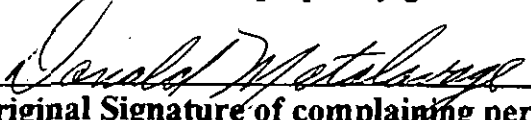
4. What do you want the Public Utility Commission to do about your complaint?

The Borough of Tamaqua wants the Public Utility Commission to order the Reading, Blue Mountain and Northern Railroad Company to fix the railroad crossing on West Broad Street in the Borough of Tamaqua.

(If you need more space, use additional paper and attach to this form.)

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.


Original Signature of complaining person
Donald Matalavage

5/15/99
Date

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name Jeffrey P. Bowe, Esquire

Street 109 West Broad Street, P. O. Box 290

City Tamaqua State PA Zip 18252

Telephone Number-Area Code (570) 668-1241

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED

DATE SERVED: JIL

JUN 10 1999

DONALD MATALAVAGE BORO
MANAGER, BORO OF TAMAQUA
Complainant

VS.

READING, BLUE MT & NORTHERN
RAILROAD COMPANY
Respondent

Complaint Docket
No: C-00992533

**DOCUMENT
FOLDER**

**FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR
SATISFY**

**TO: READING, BLUE MT & NORTHERN RAILROAD COMPANY
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.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate 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.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision 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. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.


James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

DATE SERVED: JIL

DONALD MATALAVAGE BORO
MANAGER, BORO OF TAMAQUA
Complainant

VS.

Complaint Docket
No: C-00992533

DOCKETED

JUN 10 1999

JEFFREY P BOWE, ESQUIRE
Respondent

**FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR
SATISFY**

**TO: JEFFREY P BOWE, ESQUIRE
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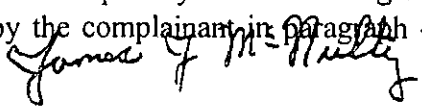
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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.

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James J. McNulty
Secretary

(SEAL)

Certified Mail
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

DATE SERVED: JIL

DONALD MATALAVAGE BORO
MANAGER, BORO OF TAMAQUA
Complainant

VS.

ANDREW GORDON, PENNDOT
Respondent

Complaint Docket

No: C-00992533

DOCKETED
JUN 10 1999

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR
SATISFY

TO: ANDREW GORDON, PENNDOT
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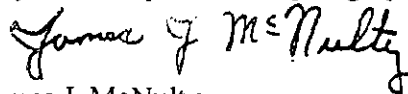
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James J. McNulty
Secretary

(SEAL)

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JIL

DOCUMENT
FOLDER

DONALD MATALAVAGE BORO
MANAGER, BORO OF TAMAQUA
Complainant

VS.

Complaint Docket
No: C-00992533

DOCKETED
JUN 10 1999

JOSEPH H JONES JR SOLICITOR
Respondent

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR
SATISFY

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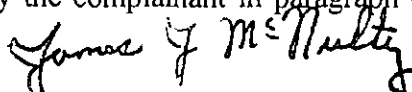
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James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

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

DATE SERVED: JIL

C-00992533

JOSEPH H JONES JR SOLICITOR
401 N SECOND ST
POTTSVILLE PA 17901

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DONALD MATALAVAGE BORO MANAGER, BORO OF TAMAQUA . 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.

DOCUMENT
FOLDER

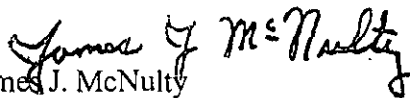
JIL

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: JIL

C-00992533

ANDREW GORDON CHIEF COUNSEL
555 WALNUT ST 9TH FL
HARRISBURG PA 17101

Dear Sir/Madam:

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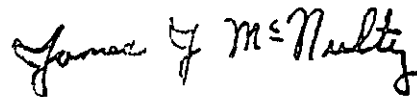
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Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the printed name and title.

James J. McNulty
Secretary

JIL

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

DATE SERVED: JIL

C-00992533

READING, BLUE MOUNTAIN & NORTHERN RAILROAD COMPANY
PO BOX 218
PORT CLINTON PA 19549

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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.

DOCUMENT
FOLDER

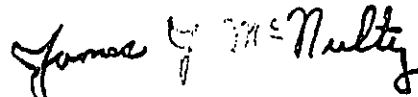
JIL

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". The signature is written in black ink and is positioned above the printed name and title.

James J. McNulty
Secretary

JIL

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

DATE SERVED: JIL

C-00992533

JEFFREY P BOWE, ESQUIRE
109 WEST BROAD ST PO BOX 290
TAMAQUA PA 18252

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by DONALD MATALAVAGE BORO MANAGER, BORO OF TAMAQUA . 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

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COMPANY/UTILITY

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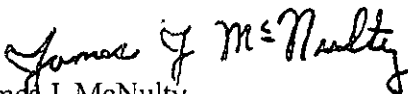
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James J. McNulty
Secretary

JIL