

Norris
McLaughlin
& Marcus, P.A.
ATTORNEYS AT LAW

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SECRETARY'S BUREAU

515 West Hamilton Street
Suite 502
Allentown, PA 18101
P: 610-391-1800
F: 610-391-1805

Thomas M. Caffrey, Esquire
Direct dial: 484-765-2209
tcaffrey@nmmlaw.com

Monday, December 14, 2015

Rosemarry Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg PA 17105-3265

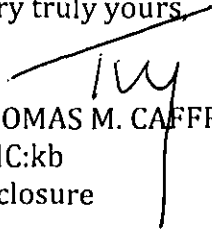
Re: Whitehall Twp. v. R.J. Corman Railroad Company, et al.
Dkt. No. ~~C-2005-4822~~ C-20054822

Dear Secretary Chiavetta:

Enclosed for filing please find Lehigh County's Prehearing Conference Memorandum.

Thank you for your attention to this matter.

Very truly yours,


THOMAS M. CAFFREY
TMC:kb
Enclosure

cc: Joel H. Cheskis, Administrative Law Judge
Nicholas D. Mertens, Esq.
Janet L. Miller, Esq.
Charles Fonzone, Esq.
Rhonda Daviston, Esq.



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

WHITEHALL TOWNSHIP, :
COMPLAINANT, : DOCKET NO. ~~C-2005-4822~~
VS. : C-20054822
R. J. CORMAN RAILROAD COMPANY :
RESPONDENT. :

LEHIGH COUNTY'S PREHEARING CONFERENCE MEMORANDUM

1. Person to be included on service list:

Thomas Caffrey, Esq.
Norris McLaughlin & Marcus, P.A.
515 W. Hamilton Street, Suite 502
Allentown, PA 18101
(610) 391-1800

2. It is Lehigh County's position that in view of an existing PUC order governing the responsibility for maintaining and repairing the retaining wall in question, it is not a proper party to this proceeding and bears no responsibility for the costs incurred to repair this retaining wall. To the extent that Lehigh County is a proper party to this proceeding, it proposes that 2.5% of the costs to repair the retaining wall be allocated to Lehigh County.
3. Proposed plan and schedule of discovery: Lehigh County proposes a 60-day period to conduct any necessary discovery.
4. Proposed schedule for litigation: Lehigh County proposes that the parties be given the opportunity to file dispositive motions within 30 days after the end of the discovery period, and, if necessary, that this matter be scheduled for a hearing within 60 days after the end of discovery.

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5. Expected witnesses:

Rick Molchany
Lehigh County General Services Director
17 S. 7th Street
Allentown, PA 18101

6. Issues:

- a. Whether Lehigh County is a “concerned party”
- b. *If Lehigh County is a concerned party, how shall the cost to repair the retaining wall be allocated among the parties?*
- c. Whether any responsibility for future maintenance of the retaining wall should be allocated to Lehigh County?
- d. Whether the incurred costs to repair the retaining wall are necessary and reasonable under the circumstances?

NORRIS MCLAUGHLIN & MARCUS, P.A.

By: 

Thomas M. Caffrey, Esquire
Attorney I.D. No: 46558
515 W. Hamilton Street, Suite 502
Allentown, PA 18101
Phone: (610) 391-1800
Fax: (610) 391-1805
tcaffrey@nmmlaw.com

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

WHITEHALL TOWNSHIP, :
COMPLAINANT, : DOCKET NO. ~~C-2005-4822~~
VS. : C-20054822
R. J. CORMAN RAILROAD COMPANY :
RESPONDENT. :

CERTIFICATE OF SERVICE

I hereby certify that on December ~~14~~¹⁶, 2015, I served, via First Class Mail, a true and correct copy of Lehigh County's Prehearing Conference Memorandum on the following:

Joel H. Cheskis
Administrative Law Judge
PA PUC
PO Box 3265
Harrisburg, PA 17105-3265


Janet L. Miller, Esquire
Hawke McKeon Sniscak & Kennard LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778

Nicholas D. Mertens, Esquire
Pennsylvania Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

Rhonda L. Daviston, Esquire
PUC Law Bureau
400 North Street
Harrisburg, PA 17120

Charles Fonzone, Esquire
33 South Seventh Street
P.O. Box 4060
Allentown, PA 18105-4060

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Thomas M. Caffrey

Norris &
McLaughlin
& Marcus, P.A.
ATTORNEYS AT LAW

515 West Hamilton Street • Suite 502
Allentown, PA 18101

ROSEMARY CHIAVETTA SECRETARY
PA. PUBLIC UTILITY COMMISSION
PO BOX 3265
HARRISBURG PA 17105-3265

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