**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation :

of the Commonwealth of Pennsylvania :

for approval to alter the public at-grade crossing :

by the installation of the new automatically :

operated flashing light crossing warning signal : A-2015-2466693

where South Third Street (T-559) crosses the :

single track of Norfolk Southern Railroad :

Company (DOT No: 535152B) in Guilford :

Township, Franklin County all in accordance with :

the Federal Grade Crossing Program and the :

allocation of costs incident thereto :

**PREHEARING ORDER NO. 2**

On February 4, 2015, the Pennsylvania Department of Transportation (PA DOT) filed an application with the Pennsylvania Public Utility Commission (Commission) seeking approval to alter the at-grade crossing as described in the above caption and for the allocation of all costs incident thereto. A field conference was held on September 29, 2015 and subsequent conference calls between the parties were held on October 20, 2015 and November 18, 2015. The parties were unable to arrive at a mutually-acceptable resolution of this matter during these meetings. As a result, by letter dated December 3, 2015, the proceeding was referred to the Commission’s Office of Administrative Law Judge (OALJ) for the scheduling of an evidentiary hearing.

By Notice dated January 7, 2016, a Prehearing Conference was scheduled for Thursday, February 4, 2016 at 10:00 a.m. The Prehearing Conference was held as scheduled and a litigation schedule was established.

A discussion occurred during the Prehearing Conference about the participation in this proceeding of West Penn Power Company (West Penn), the electric distribution utility that provides service in the area and in whose service territory the subject crossing is located. It was noted that an electric substation is located in the vicinity of both the subject crossing and two other existing crossings, and that the substation may have frequency issues that are interfering with the operation of the warning lights at the two existing crossings. A concern was expressed by counsel to Norfolk Southern that the warning lights at the subject crossing, if ultimately installed, may be similarly impacted by the electric substation. The parties agreed that West Penn’s participation in this proceeding as a party is necessary to fully address this concern at the hearing. I agree.

West Penn is already listed on the service list in this proceeding and has been served with copies of PA DOT’s original application and all subsequent documents and notices. West Penn did not, however, file a Prehearing Conference Memorandum, nor did it appear at and participate in the Prehearing Conference. Despite the company’s non-participation to date, West Penn will remain a party of record in this proceeding.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the following litigation schedule is established:

May 13, 2016 - Conclusion of discovery

June 10, 2016 - Prepared written direct testimony due

July 11, 2016 - Prepared written rebuttal testimony due

July 26-27, 2016 - Hearing dates

September 16, 2016 - Main briefs due

September 30, 2016 – Reply briefs due.

1. That service of prepared written testimony may be made by electronic mail, on or before the applicable due date, so long as hard copies of all testimony are also sent.

Date: February 25, 2016

Steven K. Haas

Administrative Law Judge

**A-2015-2466693 – APPLICATION OF THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA FOR APPROVAL TO ALTER THE PUBLIC AT-GRADE CROSSING BY THE INSTALLATION OF THE NEW AUTOMATICALLY OPERATED FLASHING LIGHT CROSSING WARNING SIGNAL WHERE SOUTH THIRD STREET (T-559) CROSSES THE SINGLE TRACK OF NORFOLK SOUTHERN RAILROAD COMPANY (DOT NO: 535152 B) IN GUILFORD TOWNSHIP FRANKLIN COUNTY ALL IN ACCORDANCE WITH THE FEDERAL GRADE CROSSING PROGRAM AND THE ALLOCATION OF COSTS INCIDENT THERETO.**

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