



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 24, 2016

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

Re: Blackwood, Inc. v. Reading, Blue Mountain and Northern Railroad  
Company; C-20078010; Application of Reading, Blue Mountain and  
Northern Railroad Company; A-2008-2016324

Dear Secretary Chiavetta:

Enclosed please find The Bureau of Investigation and Enforcement's Prehearing Conference Memorandum in the above referenced matter. Copies have been served on the parties as indicated in the attached certificate of service.

Sincerely,

A handwritten signature in black ink that reads "Heidi L. Wushinske".

Heidi L. Wushinske, Senior Prosecutor  
Bureau of Investigation and Enforcement

Enclosures

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Blackwood, Inc.	:	
	:	
v.	:	C-20078010
	:	
Reading, Blue Mountain and Northern Railroad Company	:	
	:	
	:	
Application of Reading, Blue Mountain and Northern Railroad Company for approval of the abolition of the crossing (AAR 592 007 F) where Township Road 567 crosses at grade the tracks of Reading, Blue Mountain and Northern Railroad	:	A-2008-2016324
	:	

**PREHEARING CONFERENCE MEMORANDUM OF THE BUREAU OF  
INVESTIGATION AND ENFORCEMENT**

Pursuant to the Prehearing Conference Order issued by the Honorable David A. Salapa on September 15, 2016, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) files this initial prehearing conference memorandum.

**A. Service List**

The following is the Commission's entry on the service list in this matter:

Heidi L. Wushinske  
Senior Prosecutor  
Bureau of Investigation and Enforcement  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 214-9594  
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**B. Possible Settlement**

I&E is not aware of any recent settlement discussions between Blackwood, Inc. (Blackwood) and Reading, Blue Mountain and Northern Railroad Company (Reading, Blue Mountain). Therefore, I&E is not certain whether settlement is possible.

**C. Proposed Plan and Schedule of Discovery**

I&E does not anticipate any further discovery. However, I&E requests the opportunity to visit the crossing at issue, as its staff assigned to the case have changed. I&E anticipates that this visit could be completed within the next two weeks. I&E also reserves the right to conduct additional discovery should the intentions of Blackwood and Reading, Blue Mountain warrant it. Additionally, I&E reserves the right to participate in discovery conducted by the other parties.

**D. Other Proposed Orders with Respect to Discovery**

I&E has no proposed orders with respect to discovery.

**E. Proposed Schedule for the Submission of Written Testimony, Conducting an In-Person Hearing, and Submission of Briefs**

I&E proposes the schedule set forth below:

Submission of written testimony	December 9, 2016
Rebuttal testimony	January 13, 2017
Evidentiary hearing	February 9, 2017
Close of record	February 10, 2017
Main briefs	March 10, 2017

**F. Witnesses**

I&E intends to call the following witness:

Andrew Reed  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717-787-4510

Mr. Reed will testify as to the Commission's requirements regarding applications to abolish crossings.

I&E would like to reserve the right to call additional witnesses, as necessary, and will notify your honor and all parties of record.

**G. Issues and Sub-Issues**

The issues in this case are as follows:

1. Whether the application to abolish the crossing AAR 592 007F, Docket No. A-2008-2016324, should be granted; and
2. Whether Blackwood Road, part of the crossing that is the subject of this proceeding, has been vacated as a public road.
3. Sub-issues include whether Reading, Blue Mountain improperly removed the crossing without first receiving abandonment approval from this Commission.

**H. Evidence**

At this time, I&E intends to offer the following evidence:

Relating to the issues "1" and sub-issue "3" identified above, I&E intends to offer the testimony of Andrew Reed.

I&E reserves the right to update its responses contained in this Prehearing Conference Memorandum should new information be provided by the other parties.

Respectfully submitted,



Heidi L. Wushinske  
Senior Prosecutor  
PA Attorney ID No. 93792

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000

Dated: October 24, 2016

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	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Service by First Class Mail:**

The Honorable David A. Salapa  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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