



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

IN REPLY PLEASE
REFER TO OUR FILE

August 20, 2004

Benjamin C. Dunlap Esquire
200 North Third Street 18th Floor
Po Box 840
Harrisburg Pa 17108-0840

DOCUMENT

Re: Harmar Township v. Norfolk Southern Railway Company
C 20030526

Dear Mr. Dunlap:

On July 28, 2004, Barbara Kiser filed Exceptions to the Initial Decision of Administrative Law Judge John H. Corbett Jr in the above captioned matter. Our review of the Exceptions revealed that no certificate of service or other indications of service accompanied that filing. Accordingly, we have enclosed a copy of the Exceptions for your use. This shall constitute service of the Exceptions for purposes of 52 Pa. Code §5.533.

Pursuant to 52 Pa. Code §5.535, you shall have ten (10) days from the date of service of the enclosed Exceptions to reply. The Exceptions were filed July 28, 2004. Although the Exceptions were timely filed, due to the failure of Barbara Kiser to note service on Norfolk Southern Railway Company, and in order to avoid prejudice to either party, we shall deem the filing date to be the date of this letter for purposes of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), relating to the time for Commission consideration of Exceptions.

Sincerely,

James J. McNulty
Secretary

DOCKETED

AUG 30 2004

Enclosure

cc: Barbara Kiser
369 Locust Hill Road
Cheswick Pa 15024
Office of Special Assistants
Document Folder

DATE: August 24, 2004

SUBJECT: C-20030526

TO: Cheryl W. Davis, Director
Office of Special Assistants

FROM: James McNulty
Secretary
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HARMAR TOWNSHIP

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Copies of the Recommended Decision have been served upon all parties of interest.

Exceptions have been filed by:

NORFOLK SOUTHERN RAILWAY COMPANY

Reply Exceptions have been received from:

HARMAR TOWNSHIP

cc: Susan Hoffner, ALJ