

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. Edward Schwartz	:	
	:	
v.	:	C-2016-2570929
	:	
Delaware and Hudson Railway Company	:	

PREHEARING CONFERENCE ORDER

In accordance with the provisions of 66 Pa.C.S. § 333 and 52 Pa.Code §§ 5.221-5.224, the Commission has scheduled an initial telephonic prehearing conference in the above-captioned case.

THEREFORE,

IT IS ORDERED:

1. That an initial telephonic prehearing conference shall be held at 10:00 a.m. on Wednesday, February 8, 2017. **The parties must call the toll free number shown on the hearing notice to participate in the telephonic prehearing conference. Failure to call the toll free number and participate in the telephonic prehearing conference shall constitute a failure to appear and shall constitute a waiver of all objections to any agreements reached at the telephonic prehearing conference and a waiver of all objections to any order or ruling with respect to the agreements reached. 52 Pa.Code § 5.222(e)**

2. That pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number, business fax number (if any), and business e-mail address (if any) of the person they wish to have listed on the service list.

3. That on or before Monday, February 6, 2017, parties shall file and serve initial prehearing conference memoranda which shall include:

- a.) The information described in Paragraph 2, above.
- b.) A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.
- c.) A proposed plan and schedule of discovery.
- d.) Other proposed orders with respect to discovery.
- e.) A proposed schedule for the submission of written testimony, conducting an in-person hearing, and submission of briefs.
- f.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness' testimony.
- g.) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party's position on each of the issues and sub-issues listed.
- h.) A statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address.

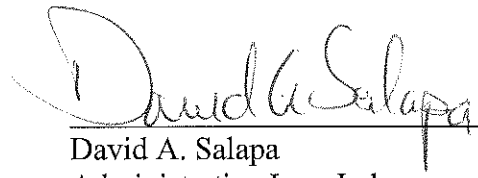
4. That pursuant to 52 Pa.Code §§ 1.21 & 1.22, if you are an individual, you may represent yourself or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted Pro Hac Vice, represent you. **However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted Pro Hac Vice, represent you in this proceeding.** Unless you are an attorney, you may not represent someone else. Attorneys shall enter their appearance in accordance with the provisions of 52 Pa.Code § 1.24(b).

5. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code § 5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

6. That a request for a change of the scheduled initial prehearing conference date shall state the agreement or opposition of other parties, and shall be submitted in writing no later than five (5) days prior to the initial prehearing conference. 52 Pa.Code § 1.15(b). Requests for change must be sent to me, with copies to all parties of record. My address is:

David A. Salapa
Administrative Law Judge
P.O. Box 3265,
Harrisburg, PA 17105-3265
Telephone: (717) 783-1399
Fax: (717) 787-0481

Date: January 18, 2017



David A. Salapa
Administrative Law Judge

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