



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

February 1, 2017

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

**RE: C-2016-2570929**

Dear Judge Salapa:

Enclosed please find the Department's *Prehearing Conference Memorandum*, in the above captioned matter.

A copy has been sent to all parties of record as indicated on the enclosed Certificate of Service.

Very truly yours,

A handwritten signature in blue ink that reads "Gina M. D'Alfonso".

Gina M. D'Alfonso  
Senior Counsel in Charge

Enclosure

220/GMD:igl

cc: Secretary Rosemary Chiavetta  
Parties of Record  
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section  
Sarah Fenton, District Grade Crossing Engineer, District 4-0

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. Edward Schwartz	:	C-2016-2570929
	:	
	:	<b>Filed Electronically</b>
v.	:	
	:	
Delaware & Hudson	:	
Railway Company	:	

**COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION'S PREHEARING CONFERENCE MEMORANDUM**

The Commonwealth of Pennsylvania, Department of Transportation (Department) offers this Prehearing Conference Memorandum in accordance with the January 18, 2017, Prehearing Conference Order of Administrative Law Judge David A. Salapa:

- a) It is requested that the Department's sole entry on the service list shall be as follows:

Gina M. D'Alfonso  
Assistant Counsel in Charge  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
Telephone No. (717) 787-3128  
Fax Number (717) 772-2741  
[gdalfonso@pa.gov](mailto:gdalfonso@pa.gov)

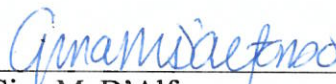
I will accept electronic service at this email address from Your Honor and counsel.

- b) The Department does believe that this matter can be settled. In fact, the Department is of the opinion that this is a matter of law that Your Honor can decide without testimony.
- c) If Your Honor decides that a hearing is necessary, the Department does not anticipate the need for discovery at this time. In the event that the Department or any other party desires to engage in discovery, the Department proposes that all discovery be completed, including

discovery requests and any responses thereto, no later than two (2) weeks prior to the date for the submission of pre-served written direct testimony.

- d) Please see response to c.
- e) If Your Honor determines that this matter is appropriately before the Public Utility Commission, and that a hearing is required, then the Department defers to the Applicant/Complainant to propose a hearing schedule. The Department requests that written testimony be required and submitted three weeks prior to the hearing. Written rebuttal testimony should be submitted ten days prior to hearing. With written testimony, one day for hearing should be sufficient.
- f) Until the issue(s) is identified, the undersigned cannot determine what witness(es) would be necessary and what their testimony would be.
- g) Please see response to f.
- h) Please see response to f.

Respectfully Submitted,  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

  
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Gina M. D'Alfonso  
Senior Counsel in Charge  
Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
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Harrisburg, PA 17105-8212  
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Pennsylvania Attorney I.D. Number 46767  
gdalfonso@pa.gov

DATED: February 1, 2017

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. Edward Schwartz	:	C-2016-2570929
	:	
	:	<b>Filed Electronically</b>
v.	:	
	:	
Delaware & Hudson	:	
Railway Company	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Department's *Prehearing Conference Memorandum* was served upon the parties listed below, in accordance with the requirements of § 1.54, by First-Class mail, postage prepaid as indicated this 1st day of February, 2017:

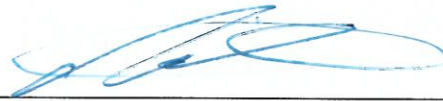
Lawrence M. Ludwig, Esq.  
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Scranton, PA 18503

David J. Gromelski, Esq.  
148 Adams Avenue  
Scranton, PA 18503

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



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Iber Guerrero-Lopez, Legal Assistant for  
Gina M. D'Alfonso  
Assistant Counsel in Charge  
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Department of Transportation  
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Telephone No. (717) 787-3128

DATED: February 1, 2017