



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120

IN REPLY PLEASE
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C-20054822

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July 25, 2017

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

Re: Whitehall Township, v. R.J. Corman Railroad Company, et al.
Docket No. C-20054822

Dear Secretary Chiavetta:

Enclosed for filing please find the Bureau of Investigation and Enforcement's Statement in Support of Settlement in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the attached Certificate of Service.

Sincerely,

Rhonda L. Daviston
Assistant Counsel

Enclosure

cc: Joel H. Cheskis, Administrative Law Judge
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Whitehall Township	:	Docket No. C-20054822
	:	
v.	:	
	:	
R.J. Corman Railroad Company	:	

Statement in Support of Settlement

The Bureau of Investigation and Enforcement (BIE) concurs with the other parties that the Joint Stipulation of Settlement (Settlement) is in the public interest. The Settlement addresses all of the issues involved in the litigation regarding the allocation of costs attributed to the repairs and rehabilitation of the South Lehigh Avenue retaining wall, including the South Lehigh Avenue drainage system, and the assignment of future responsibilities for the Retaining Wall. All repairs were performed by the Department of Transportation pursuant to the Commission's July 26, 2007 Order. Accordingly, all safety issues regarding the Retaining Wall have been resolved. This Settlement will serve to protect the public safety.

Moreover, the settlement will save the parties and the Commission the time and expense that would incur by further litigating this matter. Since all interested parties agree to the terms of this settlement, adopting it in its entirety will eliminate the possibility of any appeal from a Commission Order, thus saving the parties the additional time and expense they might incur in such an appeal.

The Commission will serve the public interest by adopting and granting the parties' Stipulation of Settlement in this matter. The Commission encourages the settlement of contested proceedings. 52 Pa. Code § 5.231. The settlement is an efficient

use of the resources of the Commission and the parties thereto. Also, adopting the Joint Stipulation of Settlement will further the statutory provisions of 66 Pa. C.S. § 2702 *et seq.*, regarding convenience and safety at railroad crossings.

This Agreement is subject to all applicable administrative and common law treatments of settlements, settlement offers, and/or negotiations. The validity of this Agreement is expressly conditioned upon the Commission's approval under applicable public interest standards without modification, addition, or deletion of any term or condition herein. Accordingly, this Agreement is made without any admission against or prejudice to any position which any party might adopt during litigation of this case if this Settlement is rejected by the Commission or withdrawn by any of the parties. This Agreement is, therefore, a compromise and is conditioned upon the Commission's approval of any of the terms and conditions contained herein without modification or amendment.

For all of the foregoing reasons, BIE supports the Settlement in the above-captioned matter.

Respectfully submitted,

Rhonda L. Daviston

Rhonda L. Daviston, Esq., Assistant Counsel

Dated: 7/25/17

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Whitehall Township : Docket No. C-20054822
: :
v. : :
: :
R.J. Corman Railroad Company :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Pennsylvania Public Utility Commission's, Bureau of Enforcement and Investigation's Statement in Support of Settlement was served upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54, by First Class Mail on this day.

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Bureau of Investigation and Enforcement


Rhonda L. Daviston

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Dated: July 25, 2017