



# Lackawanna County

COUNTY COMMISSIONERS  
Patrick M. O'Malley • Jerry Notarianni  
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Lackawanna County  
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Commissioner's Office  
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Scranton PA 18503  
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September 17, 2017

PA Public Utility Commission  
**ATTN: Rosemary Chiavetta, Secretary**  
P.O. Box 3265  
Harrisburg PA 17105

**RE: Prehearing Memorandum**

Docket No.: I-2015-2472242

Dear Ms. Chiavetta:

Enclosed herein please find a copy of the Prehearing Conference Memorandum on behalf of Lackawanna County, which was filed electronically on this date.

I hereby certify that a copy of these documents have been sent to all parties of record as indicated by the enclosed Certificate of Service.

Thank you for your time and attention hereto. If you should have any questions, please feel free to contact me.

Very truly yours,

  
Donald J. Frederickson, Jr., Esquire  
Lackawanna County General Counsel

cc: Parties of Record  
Encls.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission's own :  
motion to determine the condition and : Docket No. I-2015-2472242  
disposition of six (6) existing structures :  
carrying various highways above the grade of: **FILED ELECTRONOICALLY**  
the tracks of the Canadian Pacific Railroad in:  
Great Bend Township, New Milford :  
Township, Brooklyn Township, Hop Bottom:  
Borough, Lathrop Township, Susquehanna :  
County and Benton Township, Lackawanna :  
County. :

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**LACKAWANNA COUNTY'S PREHEARING CONFERENCE MEMORANDUM**

The County of Lackawanna offers this Pre-Hearing Conference Memorandum:

A.) It is requested that the County's sole entry on the service list shall be as follows:

Donald J. Frederickson, Jr., Esq.  
  
General Counsel for Litigation  
  
200 Adams Avenue - Commissioner's Office  
  
Scranton PA 18503  
  
Telephone: (570)451-0600  
  
Fax No.: (570)451-2976  
  
email: Donald\_Frederickson@yahoo.com

B.) The County is of the opinion that this is a matter of law that can be decided without testimony.

C.) Lackawanna County does not require any discovery, but is of the position that in the event any party desires to engage in discovery, that the same be completed no later than two (2) weeks prior to the date for the submission of pre-served written discovery.

D.) None.

E.) The County is generally available for telephonic or in-person hearing, in the event it is determined that a hearing is necessary. It is requested that written testimony, if necessary, be required and submitted four (4) weeks prior to the hearing, and any rebuttal testimony ten (10) days prior to the hearing..

F.) Lackawanna County plans on calling Larry Lukasik, Lackawanna County Director of Roads and Bridges, 200 Adams Avenue, Scranton PA 18503 (570)496-7733 regarding the County's lack of management and ownership of the bridge and roadway in question. Lackawanna County reserves the right to supplement its witness list once the issues have been identified.

G.) Lackawanna County defers to the parties to identify the outstanding issues in this matter.

H.) Lackawanna County will present evidence at the hearing regarding the County's lack of management and ownership of the bridge and railway located in Benton Twp., Lackawanna County, in question.

Respectfully submitted,



Donald J. Frederickson, Jr., Esquire  
Lackawanna County General Counsel  
Atty. ID No. 73306  
200 Adams Avenue - 6<sup>th</sup> Floor  
Scranton PA 18503  
(570)451-0600

Dated: September 17, 2017.

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County and Benton Township, Lackawanna :  
County. :

Docket No. I-2015-2472242

**FILED ELECTRONICALLY**

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**CERTIFICATE OF SERVICE**

I hereby certify that I served one (1) copy of the Prehearing Conference Memorandum filed on behalf of Lackawanna County in the above referenced matter, this date, by depositing the same in the United States Mail, postage pre-paid, in Scranton, Pennsylvania, addressed to:

**Counsel for Susquehanna County**

Michael J. Giangrieco, Esquire  
Susquehanna County Courthouse  
105 Maple Street  
P.O. Box 218  
Montrose PA 18801

**Counsel for PennDOT**

Gina M. D'Alfonso, Esquire  
Office of Chief Counsel  
Pa Dept. of Transportation  
P.O. Box 8212  
Harrisburg PA 17105-8212

**Counsel for Norfolk Southern Railway**

Benjamin C. Dunlap, Jr. Esquire  
200 North Third Street - 18th Floor  
P.O. Box 840  
Harrisburg PA 17108-0840

**Benton Township**

Larry Seamour, Chairman  
Benton Township  
P.O. Box 29  
Fleetville PA 18420

**Susquehanna County**

Alan Hall, Chairman  
105 Maple Street  
Montrose PA 18801

**Great Bend Township**

Brian O'Connor, Supervisor  
P.O. Box 781  
Great Bend PA 18821

**Lathrop Township**

Paul J. Himka, Supervisor  
2479 State Rte. 2096  
Hop Bottom PA 18824

**Brooklyn Township**

Graham A. Anthony, Jr., Supervisor  
P.O. Box 24  
Brooklyn PA 18813

**New Milford Twp.**

Don Shibley, Supervisor  
19730 State Rte. 11  
New Milford PA 18834

**Borough of Hop Bottom**

John Koshinski, Councilman  
P.O. Box 175  
Hop Bottom PA 18824

**Administrative Law Judge**

David A. Salapa  
P.O. Box 3265  
Harrisburg PA 17105-3265

Dated: 9/17, 2017.

  
Donald J. Frederickson, Jr., Esquire