



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 19, 2017

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

RE: M-2013-2364201 & I-2015-2472242

Dear Judge Salapa:

Enclosed for filing please find the Department's *Prehearing Conference Memorandum*. There are no allegations that warrant a verification.

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

Very truly yours,


Gina M. D'Alfonso
Senior Counsel in Charge

Enclosure

220/GMD

cc: Parties of Record
Rosemary Chiavetta, Secretary
Mark Chappell, P.E., Chief, Utilities and Right-of-Way Section
Sarah J. Fenton, District Grade Crossing Engineer, District 4-0
Daniel D. Leonard, Grade Crossing Engineer, Central Office, CKB 7th floor

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission's own motion to :
determine the condition and disposition of six (6) :
existing structures carrying various highways above :
the grade of 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 :

Docket No. I-2015-2472242

Bridge structure where State Route 1025, crosses over :
a single track of Canadian Pacific Railroad (264 293 :
K) in Nicholson Borough, Wyoming County :

Docket No. M-2013-2364201

Electronically Filed

**PREHEARING CONFERENCE MEMORANDUM OF THE DEPARTMENT OF
TRANSPORTATION**

In accordance with the August 8, 2017, Prehearing Conference Order issued by Administrative Law Judge David A. Salapa, in the above referenced matter, the Department of Transportation ("Department") offers the following in response to the specific requests contained therein:

1. It is requested that the Department's sole entry on the service list shall be as follows:

Gina M. D'Alfonso
Senior 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

2. The Department is of the current opinion that this matter cannot be settled. The Department is not opposed to continued discussions.
3. Discovery, if any, should be completed forty-five (45) days prior to the hearing.
4. The Department proposes a March hearing with written direct testimony due twenty (20) days and rebuttal due ten (10) days prior to the hearing. Main briefs can be due thirty (30) days after receipt of transcript and reply briefs twenty (20) days later.
5. The Department intends to call the following as witnesses and reserves the right to call additional or other witnesses as the case develops:

Susan E. Hazelton, P.E., Assistant District Engineer – Design	570-963-4045
Gerard Babinski, P.E., District Bridge Engineer	570-963-4091
Sarah J. Fenton, District Grade Crossing Engineer	570-963-4995

Department of Transportation
Engineering District 4-0
55 Keystone Industrial Park
Dunmore, PA 18512

Ms. Hazelton will offer testimony regarding the Department's position that Norfolk Southern is responsible for the ongoing maintenance and future replacement of the subject structures.

Mr. Babinski will offer testimony regarding the condition of the bridges, outstanding maintenance needs and time frames for completion of the work, the anticipated lifespans of the bridges and the costs associated with maintenance and future replacement.

Ms. Fenton will offer testimony regarding the location of each of the bridges, average daily traffic and other general site information.

6. It is the Department's position that Norfolk Southern is responsible for the performing and paying for the ongoing maintenance and future replacement of the bridges that are the subject of these proceedings. The Department intends to offer inspection reports that are subject to the ongoing Protective Order, maps, cost estimates and any other documentation deemed relevant during the preparation for this hearing.
7. There is an outstanding request that these matters be consolidated.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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Commonwealth of Pennsylvania
Department of Transportation
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DATED: September 19, 2017

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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, this 19th day of September, 2017.

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

Paul J. Himka, Supervisor
Lathrop Township
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Hop Bottom, PA 18824

Sprint Communications Company, LP
Wesley Carpenter
484 Williamsport Pike
Box 113
Martinsburg, WV 25404

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Township of Brooklyn
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Brooklyn, PA 18813

Brian O'Conner, Supervisor
Great Bend Township
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Great Bend, PA 18821

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100 Cte Drive
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Lackawanna County Commissioners Office
200 Adams Avenue – 6th Floor
Scranton, PA 18503

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

Don Shibley, Supervisor
New Milford Township
19730 State Route 11
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PA State Police
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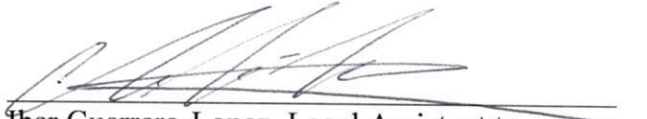
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Thomas F. Meagher III Solicitor
Susquehanna County
P.O. Box 218
Montrose, PA 18801

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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