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September 20, 2017

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Bridge Structure where State Route 1025 crosses over a single track of Delaware and Hudson Railway Company, Inc. (264 293 K) in Nicholson Borough, Wyoming County; Docket No. M-2013-2364201

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Conference Memorandum of Pennsylvania Electric Company in the above-referenced matter.

As indicated on the attached Certificate of Service, copies have been served on the parties in the manner indicated.

Please contact me with any questions regarding this matter.

Very truly yours,



Teresa K. Harrold

Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge Structure where State Route 1025	:	
crosses over a single track of Delaware	:	
and Hudson Railway Company, Inc.	:	M-2013-2364201
(264 293 K) in Nicholson Borough,	:	
Wyoming County	:	

**PREHEARING CONFERENCE MEMORANDUM OF
PENNSYLVANIA ELECTRIC COMPANY**

Pursuant to the Prehearing Order issued August 8, 2017 by Administrative Law Judge (“ALJ”) David A. Salapa, Pennsylvania Electric Company (“Penelec”) hereby submits this Prehearing Conference Memorandum with respect to the above-referenced proceeding.

I. HISTORY OF THE PROCEEDING

On May 23, 2013, the Pennsylvania Public Utility Commission (“PUC” or “Commission”) ordered the Pennsylvania Department of Transportation (“PennDOT”) to close the bridge carrying State Route 1025 over Delaware and Hudson Railway Company, Inc.’s (“D&H”) tracks in Nicholson Borough, Wyoming County (hereinafter, “Nicholson Borough crossing”) due to safety concerns. PennDOT was directed to conduct an engineering study to determine the work required to reopen the bridge.

On October 4, 2013, a prehearing conference in the above-referenced proceeding was held at the Commission. The parties included D&H, PennDOT, Nicholson Borough, and Wyoming County.

On November 1, 2013, PennDOT filed a joint petition for partial remand at the Commission indicating that it had conducted an engineering study, and the bridge could be reopened to a single lane of traffic with a posted weight limit of 28 tons for single vehicles and 32 tons for combination vehicles. A work plan was attached to the joint petition, which stated that

D&H would perform all of the work described and reimburse PennDOT for its costs incurred to date. PennDOT would subsequently inspect the bridge and D&H agreed to reimburse PennDOT for 20% of the inspection costs. The joint petition further stated that parties were still discussing future maintenance responsibilities for the bridge and future disposition of the crossing. No parties objected to the joint petition.

On November 8, 2013, the Commission issued a Secretarial Letter approving the work plan. Upon completion of the work, the Secretarial Letter stated that the above-referenced proceeding would continue in order to allocate the costs of construction, assign future maintenance responsibilities, and consider the future disposition of the crossing.

On, November 12, 2013, Penelec filed a petition to intervene in the above-referenced proceeding stating that it has facilities in the vicinity of the crossing and that there was a high probability that the outcome of this proceeding could require Penelec to relocate its facilities.

On, December 11, 2013, the Commission issued a Secretarial Letter indicating that all of the work identified in the November 8, 2013 Secretarial Letter had been completed.

On October 30, 2014, PennDOT filed a petition requesting that the Commission schedule a hearing for purposes of allocating costs incurred pursuant to the November 8, 2013 Secretarial Letter.

On March 9, 2015, Norfolk Southern Railway Company (“NS”) filed a petition to intervene, as it was operating over D&H’s facilities at the crossing location.

On March 23, 2015, the petitions to intervene of Penelec and NS were granted.

On August 4, 2015, NS filed a motion for continuance due to its purchase of the rail line in dispute. In addition, NS expressed an interest in resolving the outstanding issues associated with the Nicholson Borough crossing, as well as six other crossings located along the same rail line that were the subject of a separate proceeding at Docket No. I-2015-2472242.

On February 23, 2017, PennDOT and NS filed a letter requesting that the above-referenced proceeding, as well as the proceeding at Docket No. I-2015-2472242, be referred to mediation.

On June 21, 2017, a mediation discussion was held among PennDOT, NS, Lackawanna County, and the Commission, during which parties agreed the proceedings could not be settled and should continue to hearing.

A prehearing conference is scheduled for September 22, 2017 before ALJ Salapa. Consistent with the Prehearing Order entered August 8, 2017, Penelec is submitting this Prehearing Conference Memorandum.

II. STATEMENT OF ISSUES

Penelec's interest in this proceeding relates to future maintenance responsibilities and disposition of the Nicholson Borough crossing. Penelec maintains aerial facilities above the Nicholson Borough crossing. Future maintenance work at the crossing may impact Penelec's facilities and create clearance issues while a crane or other large equipment is in use. In addition, if the Nicholson Borough crossing is reconstructed, reduced ground clearance issues may exist for Penelec's facilities. Accordingly, Penelec's participation in this proceeding will focus on the proposed future maintenance responsibilities and disposition of the crossing and the potential impact of these proposals on Penelec's facilities.

III. WITNESSES AND EVIDENCE

Penelec has yet to identify specific witnesses and evidence in this proceeding. After review of the other parties' testimony related to future maintenance responsibilities and disposition of the crossing, Penelec may present responsive testimony and exhibits.

IV. SETTLEMENT

Penelec would like to participate in ongoing settlement discussions related to this proceeding.

V. PROPOSED SCHEDULE AND DISCOVERY ISSUES

Penelec defers to the other parties of record with regard to an appropriate procedural schedule and any modifications to discovery rules in accordance with the Commission's regulations.

VI. SERVICE LIST

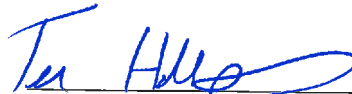
For purposes of service in the above-referenced proceeding, please include Teresa Harrold on the service list at the address listed below.

VII. CONCLUSION

WHEREFORE, the Company respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,

Dated: September 20, 2017



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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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and Hudson Railway Company, Inc. : **M-2013-2364201**
(264 293 K) in Nicholson Borough, :
Wyoming County :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below.

Service by first class mail, as follows:

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Dated: September 20, 2017



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