

GIANGRIECO LAW, PC

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*Admitted in New York

October 5, 2017

RECEIVED
2017 OCT 10 AM 10:33
PA PUC
SECRETARY'S BUREAU

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

Re: 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; PUC Docket No.: I-2015-2472242.

Dear Secretary:

Enclosed for filing please find my Notice of Appearance in the above-referenced matter and Susquehanna County'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,


Michael J. Giangrieco, Esquire
Solicitor for Susquehanna County

MJG/jw
Enclosure
cc: Parties of record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Administrative Law Judge David A. Salapa

PA PUC
SECRETARY'S BUREAU

Investigation upon the Commission's :
own motion to determine the condition :
and disposition of six (6) existing :
structures carrying various highways : 1-2015-2472242
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 :

**PREHEARING CONFERENCE MEMORANDUM
OF SUSQUEHANNA COUNTY**

Susquehanna County ("County"), by and through its counsel, Michael J. Giangrieco, Giangrieco Law, PC, pursuant to 52 Pa. Code §5.222(d) and in compliance with the Prehearing Conference Order of the Administrative Law Judge, David A. Salapa, dated August 8, 2017, hereby files this Prehearing Conference Memorandum in the above-captioned matter and states as follows:

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

Michael J. Giangrieco, Esquire (PA ID 36007)
Giangrieco Law, PC
P.O. Box 126, 60 Public Avenue
Montrose, PA 18801
Telephone: (570) 278-4026
Facsimile: (570) 836-7620
e-mail: giangriecolaw@epix.net

b). STATEMENT REGARDING POSSIBLE SETTLEMENT:

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

c). A PROPOSED PLAN AND SCHEDULE OF DISCOVERY:

Susquehanna 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). OTHER PROPOSED ORDERS WITH RESPECT TO DISCOVERY: None.

e). PROPOSED SCHEDULE FOR SUBMISSION OF WRITTEN TESTIMONY:

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.

f). NAMES, BUSINESS ADDRESSES AND TELEPHONE NUMBERS OF WITNESSES THE PARTY EXPECTS TO CALL AND THE SUBJECT MATTER OF EACH WITNESS' TESTIMONY:

Susquehanna County plans on calling Sean Isby, Maintenance Department, Susquehanna County Courthouse, P.O. Box 218, Montrose, Pennsylvania (570) 278-4600, a Susquehanna County employee in the maintenance department. Mr. Isby is expected to testify that Susquehanna County maintains no railroad crossings; has no system connected to any of these structures, has no means to maintain said structure and has never managed, owned or maintained any of the bridges in question. Mr. Isby will also testify regarding the County's lack of

management and ownership of the bridges and roadways in question. Susquehanna County reserves the right to supplement its witness list once the issues have been identified.

g). ISSUES AND SUB-ISSUES:

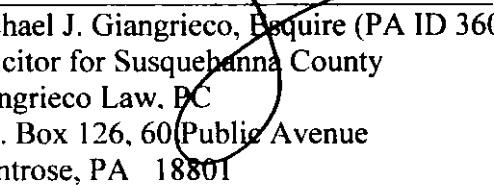
Susquehanna County defers to the parties to identify the outstanding issues in this matter.

h). STATEMENT DESCRIBING THE EVIDENCE THE PARTY PROPOSES TO PRESENT AT HEARING:

Susquehanna County will present evidence at the hearing regarding the County's lack of management and ownership of the bridges and railways located in Great Bend Township, New Milford Township, Brooklyn Township, Hop Bottom Borough and Lathrop Township, Susquehanna County.

Undersigned counsel, Solicitor for Susquehanna County, was unaware of this Administrative Law Judge's Prehearing Conference Order dated August 8, 2017, as the same was addressed and sent to Thomas F. Meagher, III, Esquire, the County's former Solicitor, and was not forwarded in a timely manner.

Respectfully submitted:



Michael J. Giangrieco, Esquire (PA ID 36007)
Solicitor for Susquehanna County
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Administrative Law Judge David A. Salapa

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Lathrop Township, Susquehanna County :
and Benton Township, Lackawanna County :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the County of Susquehanna's Prehearing Conference Memorandum was served upon the parties listed below in accordance with the requirements of §1.54 (relating to service by party), by first class mail, postage prepaid on this 5th day of October, 2017

David A. Salapa
Administrative Law Judge
PO Box 3265
Harrisburg, PA 17105-3265

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

Gina M. D'Alfonso, Esquire
PENNDOT- Office of Chief Counsel
PO Box 8212
Harrisburg, PA 17105-8212

Joe Stec
100 CTE Drive
Dallas, PA 18612
(For Frontier Communications Solutions)

Benjamin C. Dunlap, Jr., Esquire
Nauman Smith
200 North Third Street, 18th Fl
PO Box 840
Harrisburg, PA 17108-0840
(For Norfolk Southern Railway Co)

John Koshinski
Borough of Hop Bottom
350 Greenwood Street
PO Box 175
Hop Bottom, PA 18824

Bradley R. Gorter, Esquire
PA Public Utility Commission
Bureau of Investigation and Enforcement
PO Box 3265
Harrisburg, PA 17120

Colonel Tyree C. Blocker
Acting Commissioner
PA State Police
3rd Floor Dept Headquarters
1800 Elmerton Avenue
Harrisburg, PA 17110

Tori L. Geisler, Esquire
First Energy Service Company
PO Box 16001 Reading, PA 19612-6001

Don Shibley
19730 State Route 11
New Milford, PA 18834

Larry Seamour, Chairman
Benton Township
PO Box 29
Fleetville, PA 18420

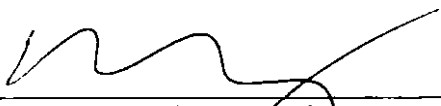
Paul J. Himka, Supervisor
Lathrop Township
2479 State Route 2096
Hop Bottom, PA 18824

Donald J. Frederickson, Jr., Esq.
Lackawanna County Commissioners
200 Adams Avenue - 6th Floor
Scranton, PA 18503

Graham A. Anthony, Supervisor
Township of Brooklyn
Brooklyn, PA 18813

Brian O'Conner
Great Bend Township
PO Box 781
Great Bend, PA 18821

Elmer Day
1 Comcast Way
Duryea, PA 18642-1114



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