

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**WHITE HAVEN BOROUGH,**

**V.**

**READING BLUE MOUNTAIN &  
NORTHERN RAILROAD COMPANY,**

**Respondent**

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**NO. C-2017-2627911**

**RESPONDENT'S MOTION TO STRIKE LUZERNE COUNTY FROM THE RECORD**

AND NOW COMES the Respondent, Luzerne County, Pennsylvania, by and through its attorney, Katlin A. Twigger, Esq., and hereby files the Motion to Strike Luzerne County from the Record. In support thereof, the Defendant, Luzerne County, Avers as follows:

1. The Respondent was notified by the Public Utility Commission of a complaint filed against them on October 6, 2017.
2. The notification states that the Respondent must file an answer within 20 days.
3. The Respondent was not named as a Respondent in the Complaint filed by the Plaintiff, White Haven Borough.
4. The Complaint filed by the Plaintiff, White Haven Borough, makes no material allegations against Luzerne County.

5. The Complaint filed by the Plaintiff, White Haven Borough, does not mention Luzerne County a single time.
6. Luzerne County Assistant Solicitor, Katlin Twigger, Esq., spoke with Plaintiff's Attorney, Sean W. Logsdon, Esq., via phone call on October 23, 2017 at approximately 12:40 pm.
7. Sean W. Logsdon, Esq., attorney for the Plaintiff, expressed to Assistant Solicitor Twigger that White Haven Borough did not name Luzerne County as a Respondent.
8. Sean W. Logsdon, Esq., attorney for the Plaintiff, expressed to Assistant Solicitor Twigger that he was unaware as to why Luzerne County had been added to the list of Respondents.
9. Luzerne County Assistant Solicitor, Katlin Twigger, Esq., spoke with a representative of the Secretary's Office at the Public Utility Commission via phone call on October 24, 2017 at approximately 2:10 pm.
10. The representative of the Public Utility Commission expressed to Luzerne County that to Assistant Solicitor Twigger that White Haven Borough did not name Luzerne County as a Respondent.
11. The representative of the Public Utility Commission expressed to Luzerne County that to Assistant Solicitor Twigger that, upon review of the docket, she was unaware as to why Luzerne County had been added to the list of Respondents.
12. As of October 24, 2017, there are no docket entries for Case C-2017-2627911 that indicate how Luzerne County became a party to the action.
13. As of October 24, 2017, there are no docket entries for Case C-2017-2627911 that indicate why Luzerne County became a party to the action.

WHEREFORE, the Respondent, the County of Luzerne, respectfully requests that the Public Utility Commission Strike the County of Luzerne from the list of Respondents in this case because the Plaintiff did not name the County of Luzerne as a Respondent in the Case and nether the Plaintiff nor the Public Utility Commission have been able to indicate why Luzerne County was served with notice of the complaint and required to respond.

Respectfully submitted by,  
KATLIN A. TWIGGER, ESQ.



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ATTORNEY VERIFICATION

I, Katlin A. Twigger, as Assistant Luzerne County Solicitor, hereby verify that the facts set forth in the attached Motion to Strike are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to the unsworn falsification to authorities.

Date: Oct. 26, 2017

  
KATLIN A. TWIGGER, ESQUIRE