

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
May 22, 1984

In re: C-79081404

(See attached list)

Great Bend Township
vs.
Conrail, Pennsylvania Department of Transportation,
Susquehanna County, Pennsylvania Electric Company,
Commonwealth Telephone Company and Delaware and
Hudson Railway Company

NOTICE

In Public Meeting March 16, 1984, the Commission reopened the above-captioned proceeding, which concerns a bridge carrying Township Road 821 - (old U.S. Route 11) over and above railroad tracks in Great Bend Township, Susquehanna County, and directed that a hearing be held on the petition filed by Consolidated Rail Corporation on January 21, 1983, and the answer and petition filed by Delaware and Hudson Railway Company on January 17, 1984.

Please be advised that this hearing will be held Thursday, July 26, 1984, at 10:00 a.m., in the First Floor Hearing Room, Scranton State Office Building, 100 Lackawanna Avenue, Scranton.

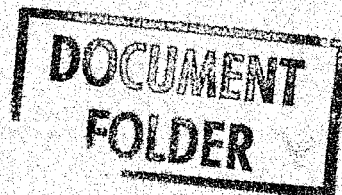
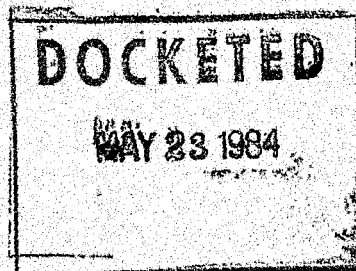
If any party intends to offer prepared written testimony, such testimony must be served upon each participant of record no less than seven (7) days prior to this hearing.

You are advised that if you fail to appear at the hearing, the hearing will proceed without you. In that event, it is possible that you or your client will have issues determined against you and that you might be assigned positive duties or be required to pay money and will have waived any objection thereto.

The presiding officer in this proceeding will be Administrative Law Judge Edward R. Casey instead of Administrative Law Judge Thomas Jones. Judge Casey can be contacted at Room 108, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania 18503; telephone (717) 961-4818.

If you intend to file exhibits, please be advised that three copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Casey
Law Bureau
Bureau of Rail Trans.
Mr. Bramson
Ms. Dickson
Ms. Crouse
File Room



C-9081404 - Parties of Record;

Francis X. O'Connor, Esquire
P. O. Box 591
Great Bend, Pennsylvania 18821
(for Great Bend Township)

Joel E. Mazor, General Attorney
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

Richard S. Herskovitz, Assistant Counsel
Pa. P.U.C., Law Bureau
P. O. Box 3265
Harrisburg, Pennsylvania 17120

George H. Kleinberger, Corporate Counsel
Delaware and Hudson Railway Company
40 Beaver Street
Albany, New York 12207

Spencer A. Manthorpe, Chief Counsel
Pennsylvania Department of Transportation
521 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

Robert G. Dean, Solicitor
Susquehanna Township
Courthouse
Montrose, Pennsylvania 18801

James R. Leva, President
Pennsylvania Electric Company
1001 Broad Street
Johnstown, Pennsylvania 15907

William R. Sonnet, Jr., Director of Revenue
Requirements and Regulatory Affairs
Commonwealth Telephone Company
Box 1000
Dallas, Pennsylvania 18612



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

July 17, 1984

IN REPLY PLEASE
REFER TO OUR FILE

C-79081404

Honorable Edward R. Casey
Pennsylvania Public Utility Commission
Room 108 Scranton State Office Building
100 Lackawanna Avenue
Scranton, Pennsylvania 18503

Re: Great Bend Township v. Conrail, et al.

Dear Judge Casey:

Please be advised that because Commission Trial Staff has no evidence to offer or other matters to raise at the hearing scheduled for July 26, 1984 in the above case, Trial Staff will not attend the hearing.

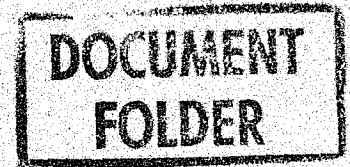
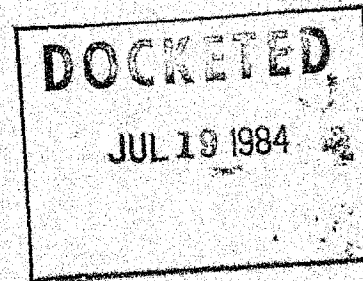
Thank you.

Very truly yours,

Richard S. Herskovitz
Richard S. Herskovitz
Assistant Counsel

RSH/dmj

cc: All parties
✓ File Room



HEARING REPORT

DOCKET NO. C-79081404

CASE NAME Great Bend Township vs.

Conrail, etc.

HEARING LOCATION Scranton, PA.

HEARING DATE July 26, 1984

ALJ Casey

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded YES

Record closed YES

Briefs to be filed NO

Further hearing NO

Estimated add'l days _____

BENCH DECISION NO

REMARKS: Initial Decision will be filed pursuant to Act # 294 requirements. E. Casey, ALJ 7/26/84

DOCUMENT FOLDER

Names and addresses of parties or counsel of record
Please Print Clearly
Incomplete Information May Result in Delay of Process

NAME	ADDRESS	APPEARING FOR
<u>George H. Kieberger</u>	<u>40 Beaver Street</u> City: <u>Albany</u> State: <u>NY</u> Zip: <u>12207</u>	<u>Delaware and Hudson Railway Company</u>
<u>JOEL E MAZOR</u>	<u>1138 Gideon Center</u> City: <u>Philadelphia</u> State: <u>PA</u> Zip: <u>19103</u>	<u>Consolidated Rail Corp.</u>
<u>HERBERT G. ZAHN</u>	<u>522 TRANSP & SAFETY BLDG</u> City: <u>HSBG</u> State: <u>PA</u> Zip: <u>17120</u>	<u>PENN DOT</u>
<u>WALTER GALLAGHER</u> <u>Chairman of Board of Supervisors</u>	<u>BRD 2 Box 103</u> City: <u>SVSVEHAMA</u> State: <u>PA</u> Zip: <u>18247</u>	<u>GREAT BEND TWP</u>

Check this box if additional parties of counsel of record appear on back.

William J. Howt
Reporter



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

September 14, 1984

RECEIVED
SEP 20 1984
Office of the A.L.J.
Public Utility Commission
IN REPLY PLEASE
REFER TO OUR FILE

G-79081404

TO: ALL PARTIES OF RECORD

Re: Great Bend Township v. Conrail,
Pennsylvania Department of Transportation,
Susquehanna County, Pennsylvania Electric
Company, Commonwealth Telephone Company
and Delaware and Hudson Railway Company

Gentlemen:

The transcript of testimony in the above
entitled proceeding has been received, and the purpose
of this letter is to inform the parties that they may
file briefs, if they so desire.

In accordance with the Commission's Rules
of Practice, main briefs shall be filed within fifteen
(15) days after the date of this letter and reply briefs,
if any, shall be filed within ten (10) days thereafter.
If briefs are not received within the allotted time,
they shall not be accepted for filing, except by special
permission of the presiding officer.

An original and nine copies of each main brief,
reply brief, brief on exceptions, or other brief, shall
be filed with the Commission, % the New Filing Section,
Secretary's Bureau, Room B-18, North Office Building,
Harrisburg, Pennsylvania 17120. A copy must be served
on the presiding Administrative Law Judge and three
copies on each party of record.

Very truly yours,

Edward R. Casey
Edward R. Casey *Lu Rmm*
Administrative Law Judge

ERC/rmm

cc Stephanie Lyons, ALJ Staff
File

**DOCUMENT
FOLDER**

DOCKETED
SEP 24 1984

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing NOTICE by first class mail on the parties listed below:

Francis X. O'Connor, Esquire
P. O. Box 591
Great Bend, Pennsylvania 18821
(For Great Bend Township)

Joel E. Mazor, General Attorney
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

Richard S. Herskovitz, Assistant Counsel
Pa. P.U.C., Law Bureau
P. O. Box 3265
Harrisburg, Pennsylvania 17120

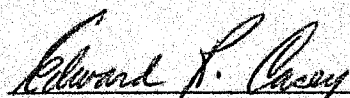
George H. Kleinberger, Corporate Counsel
Delaware and Hudson Railway Company
40 Beaver Street
Albany, New York 12207

Spencer A. Manthorpe, Chief Counsel
Pennsylvania Department of Transportation
521 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

Robert G. Dean, Solicitor
Susquehanna Township
Courthouse
Montrose, Pennsylvania 18801

James R. Leva, President
Pennsylvania Electric Company
1001 Broad Street
Johnstown, Pennsylvania 15907

William R. Sonnet, Jr., Director of Revenue
Requirements and Regulatory Affairs
Commonwealth Telephone Company
Box 1000
Dallas, Pennsylvania 18612


EDWARD R. CASEY
ADMINISTRATIVE LAW JUDGE

Dated: September 14, 1984

G

ORIGINAL

**BOSTON & MAINE CORPORATION
DELAWARE & HUDSON RAILWAY COMPANY *
MAINE CENTRAL RAILROAD COMPANY
Fifth Street
Watervliet, New York 12189
(518) 271-4355**

EXPRESS MAIL

September 28, 1984

Pennsylvania Public Utility
Commission
c/o New Filing Section
Secretary's Bureau
Room B-18
North Office Building
Harrisburg, PA 17120

RECEIVED

OCT 1 1984

**SECRETARY'S OFFICE
Public Utility Commission**

RE: GREAT BEND TOWNSHIP v. CONSOLIDATED RAIL CORPORATION
ET AL. - COMPLAINT DOCKET NO. 79081404

Gentlemen:

In response to Judge Casey's letter of September 14, 1984 regarding the submission of briefs, please be advised that Delaware and Hudson Railway Company will rely upon the arguments set forth in its Brief filed with the Commission in this proceeding with my letter of September 10, 1981, and in particular the arguments contained in Pages 9 through 17 thereof.

Very truly yours,

[Handwritten Signature]
George H. Kleinberger
Corporate Counsel

cc: Hon. Edward R. Casey
All Parties of Record

**DOCUMENT
FOLDER**

**DOCKETED
OCT 2 1984**



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, Pa. 17120

September 25, 1984

IN REPLY PLEASE
REFER TO OUR FILE

Mr. W. J. Clements, P.E.
Right-of-Way and Utility Division
Pennsylvania Department of Transportation
509 Transportation and Safety Building
Harrisburg, PA 17120

RECEIVED

OCT 2 1984

SECRETARY'S OFFICE
Public Utility Commission

In re: PMS Reference No. 045L001
T-821 in Great Bend Township
Susquehanna County (AAR 263 952J)
Delaware and Hudson Railway Company
(formerly Consolidated Rail Corporation)

Dear Mr. Clements:

The referenced rail-highway crossing structure was the subject of Complaint Docket No. C-79081404 before the Commission. The result of the proceeding was that Consolidated Rail Corporation was ordered to rehabilitate the south west wing wall of the subject structure. This work was completed September 23, 1982.

The order adopted March 28, 1980 allocated all costs associated with the rehabilitation and assigned future maintenance responsibilities for all facilities at the crossing. The Commission certified all costs on October 28, 1983 and must assume that all payments have been made.

Since this work was performed prior to passage of the "Bridge Bill", these costs would not qualify for funding therefrom; therefore, we recommend that the funds provided in the bill for rehabilitation of this structure be reassigned to another local rail-highway crossing structure contained in the bill.

Very truly yours,

R. A. Peteritas, P.E., Director
Bureau of Rail Transportation

Enclosure: C-79081404 order adopted March 28, 1980

ccs: See attached list

DOCUMENT
FOLDER

DOCKETED

OCT 2 1984

ccs:

Mr. J. T. Sullivan, P.E., Chief Engineer
Design and Construction
Consolidated Rail Corporation
15 North 32nd Street
Philadelphia, PA 19104

George H. Kleinberger, Corporate Counsel
Delaware and Hudson Railway Company
40 Beaver Street
Albany, New York 12207

Honorable Jack M. Masters, Chairman
Board of County Commissioners
Susquehanna County Courthouse
Montrose, PA 18801

Mr. Walter D. Galloway, Chairman
Great Bend Township Supervisors
R.D. 2, Box 103
Susquehanna, PA 18847

Honorable Frank J. O'Connell, Senator
Senate Post Office
Main Capital Building
Harrisburg, PA 17120

Honorable Carmel* Sirianni, Representative
House Post Office
Main Capitol Building
Harrisburg, PA 17120