

AUG 22 1979

RECEIVED

FORMAL COMPLAINT

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AUG 23 1979

SECRETARY'S OFFICE Public Utility Commission

BEFORE

SECRETARY'S OFFICE Public Utility Commission

PENNSYLVANIA PUBLIC UTILITY COMMISSION

GREAT BEND TOWNSHIP VS. CONSOLIDATED RAIL CORPORATION, et al.

COMPLAINT DOCKET

No. C-79081404

1. COMPLAINING PARTY

name GREAT BEND TOWNSHIP address Great Bend, Susquehanna County, Pennsylvania telephone number

2. ATTORNEY for complaining party

name Francis X. O'Connor, Esq. address P.O. Box #591, 310 Main Street, Great Bend, Pennsylvania telephone number (717) 879-2534

3. UTILITY company (respondent) against whom complaint is being brought

name (a) Consolidated Rail Corporation address 1138 Six Penncenter Plaza, Philadelphia, PA 19104 type of company (water, electric, etc.)

4. In short, clear sentences state your complaint against the above-named public utility (what the utility has done, or is about to do, or has failed to do which you claim is a violation of the law, or is patently unreasonable). You may attach any documents which support your complaint.

The parties have failed to maintain in a good and proper condition a bridge over railroad tracks (#H 176.25). In particular one of the wing walls has a shearing and horizontal crack and there is a spalling of the wall.

DOCUMENT FOLDER

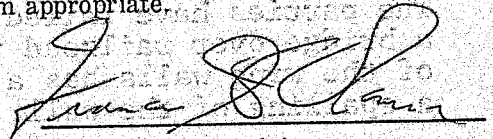
DOCKETED COMPLAINT DOCKET SEP 6 1979 ENTRY No.

5. State how the utility's conduct adversely affects you.
This failure has created an unsafe condition and endangers the health, safety, and welfare of the people who must transverse this structure.

6. Describe the type of relief that you hope to obtain from the Commission.

We would request that the Commission require that appropriate parties to repair and maintain the structure and that it allocate future maintenance requirements as per its order of April 19, 1915 Docket No. A 321.

Wherefore, complainant requests that the Commission enter an order granting the relief requested in paragraph six and/or such other relief as the Commission may deem appropriate.


Signature of complainant
or attorney for corporate complainant

Sworn and subscribed before me this
21st day of August 1979
Berky Sue Wood
Notary Public
my Commission expires: 7/26/83
Date 28-79

3.

(b) Susquehanna County
Court House
Montrose, PA 18801

(c) Pennsylvania Department of Transportation
Transportation and Safety Building
Harrisburg, PA 17120

FRANCIS X. O'DONNOR
ATTORNEY AND COUNSELLOR AT LAW

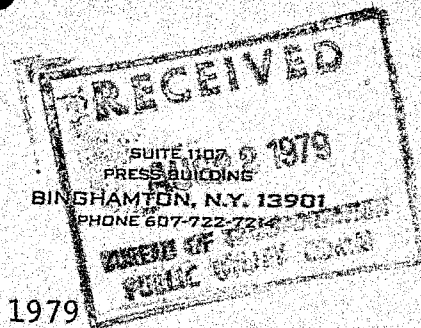
P. O. BOX 591
MAIN STREET
GREAT BEND, PA. 18821
PHONE 717-879-2534

RECEIVED

AUG 23 1979

SECRETARY'S OFFICE
Public Utility Commission

August 21, 1979



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Bureau of Transportation
P.O. Box #3265
Harrisburg, PA 17120

Dear Sir or Madam:

Re: Great Bend Township v. P.U.C.

Enclosed herewith please find five (5) copies and an original of the Complaint filed in the above-captioned matter.

It is our understanding that service will be made by you.

If there is anything further that you need in relation to this matter, please contact this office.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to be "Francis X. O'Donnor". Below the signature, the name "Francis X. O'Donnor, Esq." is printed in a serif font.

FXOC/rcr
Enclosures

DOCUMENT
FOLDER



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

August 24, 1979

IN REPLY PLEASE
REFER TO OUR FILE

Francis X. O'Connor, Esquire
P.O. Box 591, Main Street
Great Bend, Pennsylvania 18821

COPY

C-79081404

Dear Sir:

Returned herewith are the original and five copies of the complaint of Great Bend Township.

The name of the Pennsylvania Public Utility Commission should be deleted as a party respondent. You should show as respondents the Department of Transportation of the Commonwealth of Pennsylvania, Consolidated Rail Corporation, the County of Susquehanna and any utility with facilities at this bridge.

We require an original and three copies of the complaint for one respondent and an additional copy for each other respondent named. To the original and each copy should be attached an executed affidavit.

Very truly yours,

for William P. Thierfelder
Secretary

FRANCIS X. O'CONNOR
ATTORNEY AND COUNSELLOR AT LAW

P. O. BOX 591
MAIN STREET
GREAT BEND, PA. 18821
PHONE 717-879-2534

SUITE 1107
PRESS BUILDING
BINGHAMTON, N.Y. 13901
PHONE 607-722-7214

RECEIVED

AUG 29 1979

SECRETARY'S OFFICE
Public Utility Commission

August 28, 1979

Commonwealth of Pennsylvania
Pennsylvania Public Utility
Commission
P.O. Box #3265
Harrisburg, PA 17120

ATTENTION: Mr. Thierfelder

Re: Great Bend Township
v. Consolidated Rail Corpora-
tion, et al.

Dear Mr. Thierfelder:

Enclosed herewith please find the corrected original
and five (5) copies of the above-captioned Complaint.

If there is anything else needed, please contact us.

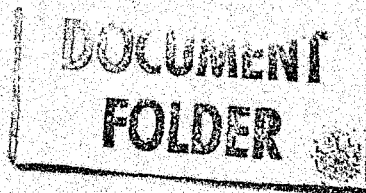
Thank you for your anticipated attention to this
matter.

Very truly yours,

Francis X. O'Connor
Francis X. O'Connor, Esq.

FXOC/bsw

Enclosures



C-79081404

Francis K. O'Connor, Attorney
P.O. Box #591
310 Main Street
Great Bend, Pennsylvania 18821

Great Bend Township

v.

Consolidated Rail Corporation, Pennsylvania
Department of Transportation and County of
Susquehanna

Dear Mr. O'Connor:

This letter is to inform you that your formal complaint has been received, docketed as above-captioned and sent to respondent to answer within twenty days.

You will be duly advised with respect to further procedure.

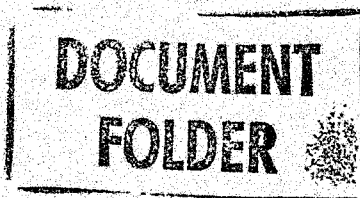
Very truly yours,



for William P. Thierfelder
Secretary

cc: Bureau of Rail Transportation - w/copy of complaint
Office of Administrative Law Judge - w/copy of complaint
Law Bureau - w/copy of complaint

CKG:rmb





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

September 5, 1979

IN REPLY PLEASE
REFER TO OUR FILE

C-79081404

Great Bend Township

v.

Consolidated Rail Corporation, Pennsylvania Department of Transportation
and County of Susquehanna

Dear

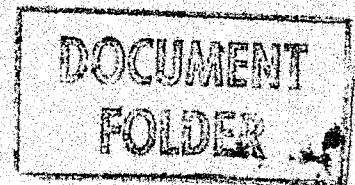
This is to advise that a field investigation and conference will be held at the site of the crossing where Township Road No. 821 crosses above the tracks of Consolidated Rail Corporation, in the Township of Great Bend, Susquehanna County, on Friday, September 14, 1979 at 10:00 a.m. to discuss the matters involved in the captioned complaint.

Kindly arrange to have a representative present.

Very truly yours,

William W. Huff, P.E.
Bureau of Rail Transportation

WWH/£



SERVICE LIST

Mr. Howard Lewis, Chairman
Great Bend Township Board of Supervisors
R.D. 2
Hallstead, PA 18822

Mr. Edmund E. Jones, Secretary
Great Bend Township Board of Supervisors
Box 119
Hallstead, PA 18822

Mr. J. T. Sullivan, Chief Engineer
CONSOLIDATED RAIL CORPORATION
1528 Walnut Street
Philadelphia, PA 19102

Mr. Kenneth W. Walker
Chief Utility Engineer
Pennsylvania Department of Transportation
11th Floor
Transportation and Safety Building
Harrisburg, PA 17120

Mr. Jack M. Masters, Chairman
Susquehanna County Commissioners
Susquehanna County Courthouse
Montrose, PA 18801

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of
Great Bend Township
vs.
Consolidated Rail Corporation, Pennsylvania
Department of Transportation and County of
Susquehanna

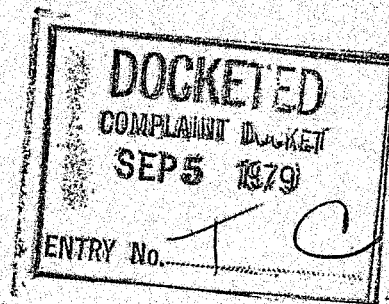
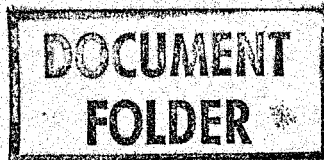
Complaint Docket

No. C-79081404

19..79..

TO

Robert Dean, Solicitor
Susquehanna County Courthouse
Montrose, Pennsylvania 18801



TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within.....TWENTY.....days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this.....FIFTH.....day of
.....SEPTEMBER....., 19..79..

ATTEST:

Enclosure
Certified Mail
Receipt Requested

.....William P. Thierfelder.....

Secretary

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG**

**In re Complaint of
Great Bend Township**

vs.

Consolidated Rail Corporation, Pennsylvania
Department of Transportation and County of
Susquehanna

Complaint Docket

No. C-79081404

19..79..

TO

Robert Dean

~~Eric J. McHale~~, Solicitor
Susquehanna County Courthouse
Montrose, Pennsylvania 18801

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within.....TWENTY.....days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this.....THIRTIETH.....day of
AUGUST....., 19..79..

ATTEST:

Enclosure
Certified Mail
Receipt Requested

Eric J. McHale

.....
Secretary

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG**

In re Complaint of
Great Bend Township
vs.

Consolidated Rail Corporation, Pennsylvania
Department of Transportation and County of
Susquehanna

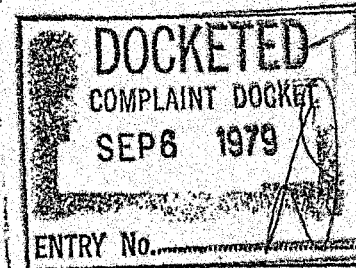
Complaint Docket

No. C-79081404

19....79

TO

A. J. DiGregoria, Docket Clerk
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104



TAKE NOTICE:

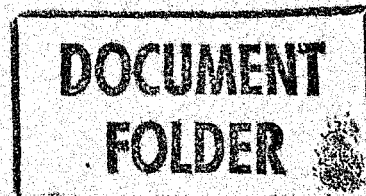
That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission.

You are hereby required to satisfy the said complaint or to answer the same in writing, duly verified by affidavit, within.....~~TWENTY~~.....days from the date hereof.

In Witness Whereof, PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused its seal to be hereunto attached, duly attested by its Secretary, this.....~~THIRTIETH~~.....day of
.....~~AUGUST~~....., 19....79

ATTEST:

Enclosure
Certified Mail
Receipt Requested



William P. Thierfelder

Secretary

C-79081404

SIMILAR NOTICE SENT TO:

Robert W. Cunliffe, Deputy Attorney General
Pennsylvania Department of Transportation
Capitol Associates Building
7th & Forster Streets
Harrisburg, Pennsylvania 17120

Ulric J. McHale, Solicitor
Susquehanna County Courthouse
Montrose, Pennsylvania 18801

September 24, 1979

C-79091404

George D. Wenick
Assistant Attorney General
Office of Chief Counsel
Department of Transportation
Harrisburg, Pennsylvania 17120

Great Sand Township
v.
Consolidated Rail Corporation, Pennsylvania
Department of Transportation and County of
Susquehanna

Dear Mr. Wenick:

Receipt is acknowledged of your letter dated September 14, 1979, enclosing an original and two copies of an answer filed on behalf of Pennsylvania Department of Transportation in the above entitled complaint.

We note your statement that a copy has been mailed to all parties of record.

The answer will receive the Commission's attention.

Very truly yours,

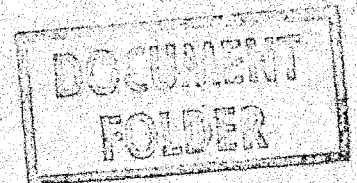
PA. P.U.C.
M.I.S.

SEP 24 1979

for William P. Thierfelder
Secretary

CRG:rmh

cc: Bureau of Rail Transportation - w/copy of answer
Office of Administrative Law Judge - w/copy of answer
Law Bureau - w/copy of answer



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Harrisburg, Pennsylvania 17120
Office of Chief Counsel



September 14, 1979

IN REPLY REFER TO

RECEIVED

SEP 18 1979

William Thierfelder, Secretary
Pennsylvania Public Utility Commission
North Office Building
Harrisburg, Pennsylvania 17120

SECRETARY'S OFFICE
Public Utility Commission

Re: Complaint Docket No. C-79081404
Susquehanna County

Dear Mr. Thierfelder:

Enclosed for filing with the Department are the original and two (2) copies of Answer to Complaint on behalf of the Pennsylvania Department of Transportation in the above-captioned matter.

I hereby certify that a copy of said Answer has been sent to all parties of record.

Very truly yours,

A handwritten signature in dark ink, appearing to read "G. D. Wenick".

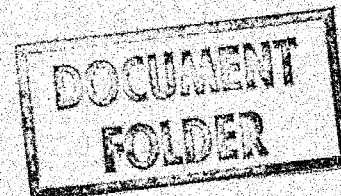
George D. Wenick
Assistant Attorney General

220/GDW:rmm
Enclosures

cc: K. W. Walker, P.E., Chief Utility Engineer
District #4-0
Parties of Record - Page 2

PA. P.U.C.
M.I.S.

SEP 24 1979



William Thierfelder
C-79081404

-2-

September 14, 1979

PARTIES OF RECORD

Joel E. Mazor, Esquire
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19102

Francis X. O'Connor, Solicitor
Township of Great Bend
310 Main Street
Great Bend, Pennsylvania 18821

Ulric J. McHale, Solicitor
County of Susquehanna
Susquehanna County Courthouse
Montrose, Pennsylvania 18801

3. The allegations contained in Petitioner's Paragraph 3 are admitted as stated.

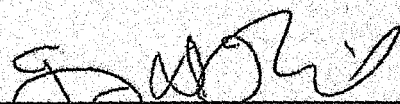
4. The allegations contained in Petitioner's Paragraph 4 are admitted in part and denied in part. Inasmuch as the subject structure is located on a township road, it has not been periodically inspected by the Department, and the Department has no information upon which to base a belief as to the truth or falsity of the allegation that maintenance has not been performed on it in the past. Therefore, the Department denies and demands strict proof of the same. A cursory inspection by Department personnel has revealed that there is indeed a crack and spalling on one of the wing walls.

5. The allegations contained in Petitioner's Paragraph 5 are admitted in part and denied in part. The Department admits that the structure is in need of repair. However, without an in-depth inspection, the Department is without sufficient information upon which to base a belief as to the truth or falsity of the allegation of the seriousness of the structure's deterioration and therefore denies and demands strict proof of the same.

6. Petitioner's Paragraph 6 contains a prayer for relief to which a responsive pleading is not required.

WHEREFORE, the Department respectfully requests your Honorable Commission to schedule such hearings and field conferences as it may deem necessary.

Respectfully submitted,



George D. Wenick
Assistant Attorney General

October 4, 1979

CORBE

G-79081404

Joel E. Mazor
Commerce Counsel
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

PA. FILE
OCT 16 1979

Great Bend Township
v.
Consolidated Rail Corporation, Pennsylvania Department
of Transportation and County of Susquehanna

Dear Mr. Mazor:

Receipt is acknowledged of your letter dated September 21, 1979, enclosing an original and two copies of an answer filed on behalf of respondent in the above entitled complaint.

We note your statement that a copy has been mailed to all parties of record.

The answer will receive the Commission's attention.

Very truly yours,

for William P. Thierfelder
Secretary

cc: Office of Administrative Law Judge - w/copy of answer
Law Bureau - w/copy of answer
Bureau of Rail Transportation - w/copy of answer

CKG:jek

PA. P.U.C.
M.I.S.

OCT04 1979

September 21, 1979

RECEIVED

SEP 24 1979

SECRETARY'S OFFICE
Public Utility Commission

William P. Thierfelder, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pa. 17120

Re: C-79081404, Susquehanna County

Dear Sir:

I enclose for filing with the Commission on behalf of Consolidated Rail Corporation the original and two copies of its Answer to the captioned Complaint.

I hereby certify I have served copies of the Answer on each party of record.

Very truly yours,

Joel E. Mazor (m)

Joel E. Mazor
Commerce Counsel
1138 Six Penn Center Plaza
Philadelphia, Pa. 19104

JEM:mm

cc: Francis X. O'Connor, Esq.
Commissioners of
Susquehanna County
Herbert G. Zahn, Esq.

Before the

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

SEP 24 1979

Great Bend Township :
vs. :
Consolidated Rail Corporation, :
Pennsylvania Department of :
Transportation and County of :
Susquehanna :

SECRETARY'S OFFICE
Public Utility Commission

Complaint Docket

No. 79081404

PA. P.U.C.
M.I.S.

OCT 04 1979

ANSWER OF
CONSOLIDATED RAIL CORPORATION

COMES NOW, Consolidated Rail Corporation, by its attorney, Joel E. Mazor, and makes answer to the captioned complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.

4. Consolidated Rail Corporation has no responsibility for the maintenance of any bridge carrying a public highway over its tracks. Consolidated Rail Corporation is without sufficient information to admit or deny the fact that one of the wing walls has a shearing and horizontal crack and that there is a spalling of the wall because of the fact, abovementioned, that it has no responsibility for the maintenance of the structure.

RECEIVED
OCT 15 1979
CLERK

DOCKETED
COMPLAINT DOCKET
OCT 5 1979

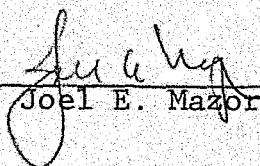
A

5. Consolidated Rail Corporation is without sufficient knowledge to admit or deny the allegations of Paragraph 5.

6. Consolidated Rail Corporation joins in the complainant's request that the Commission hold such on-site conferences and hearings as may be necessary to determine the appropriate parties to repair and maintain the structure and to perform future maintenance, not as per any previous order but as conditions developed would indicate.

CONSOLIDATED RAIL CORPORATION

By




Joel E. Mazor

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF PHILADELPHIA : SS

J. T. SULLIVAN, being duly sworn according to law, deposes and says that he is Chief Engineer, Design and Construction, of Consolidated Rail Corporation; that he is authorized to and does make this affidavit in its behalf; that the facts contained in the foregoing Answer are true and correct to the best of his knowledge, information and belief.


CHIEF ENGINEER - DESIGN & CONSTRUCTION

Sworn to and subscribed
before me this 20 day
of Sep 1979.


WILLIAM EARL
Notary Public, Philadelphia Co.,
My Commission Expires November 8, 1980

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

October 12, 1979

IN REPLY PLEASE
REFER TO OUR FILE

C-79081404

TO WHOM IT MAY CONCERN

Great Bend Township

v.

Consolidated Rail Corporation, Pennsylvania
Department of Transportation, County of
Susquehanna, Pennsylvania Electric Company &
Commonwealth Telephone Company

It has been determined that Pennsylvania Electric Company and Commonwealth Telephone Company are now party respondents to the above entitled complaint, and accordingly we are enclosing copy of the complaint as filed, along with notice requiring your answer thereto within twenty days.

Copy of this letter is being sent this date to each other party of record advising them of this action.

Very truly yours,

for William P. Thierfelder
Secretary

CKG:rmb

cc: Office of Administrative Law Judge
Bureau of Rates
Law Bureau

DOCKETED
COMPLAINT DOCKET
OCT 15 1979

T H

10/15/79

✓ A. J. DiGregoria, Docket Clerk
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

✓ Robert W. Cunliffe, Deputy Attorney General
Pennsylvania Department of Transportation
Capitol Associates Building
7th & Forster Streets
Harrisburg, Pennsylvania 17120

Robert Dean, Solicitor
Susquehanna County Courthouse ✕
Montrose, Pennsylvania 18801

E. Simmons, Secretary-Treasurer
Pennsylvania Electric Company ✕
1001 Broad Street
Johnstown, Pennsylvania 15907

Paul W. Mazza, Vice President
Marketing & Administration ✕
Commonwealth Telephone Company
100 Lake Street
Dallas, Pennsylvania 18612

✓ Francis X. O'Connor, Esquire
P.O. Box #591
310 Main Street
Great Bend, Pennsylvania 18821

KATZ

September 27, 1979

SUBJECT: C-79081404

RECEIVED

TO: William P. Thierfelder
Secretary

OCT 2 1979

FROM: ~~R. A. Peteritas~~
R. A. Peteritas, Director
Bureau of Rail TransportationSECRETARY'S OFFICE
Public Utility Commission

Great Bend Township
v.
Consolidated Rail Corporation, Pennsylvania Department
of Transportation and County of Susquehanna

We have reviewed the record in the above-entitled proceeding and held a field investigation and conference at the site of the crossing where Township Road No. 821 crosses above the grade of the tracks of Consolidated Rail Corporation, in the township of Great Bend, Susquehanna County, the crossing involved in this proceeding.

It is suggested that this case be listed for hearing at an early date and that the following parties in interest be served notice thereof:

Township of Great Bend
Consolidated Rail Corporation
Pennsylvania Department of Transportation
County of Susquehanna

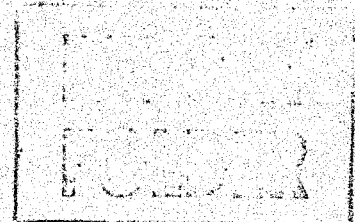
In addition, it has been determined that Pennsylvania Electric Company and the Commonwealth Telephone Company have facilities at or adjacent to the crossing and, as such, said utilities should be named as a party to this proceeding, served with a copy of the complaint and notified of the hearing.

In addition to any other relevant testimony, it is suggested that testimony be adduced at the hearing upon the appended list of Questions and Procedure, and that appropriate action be taken at the hearing to incorporate the Questions and Procedure into the record of this proceeding.

It is our understanding that this proceeding will be referred to the Office of Administrative Law Judge and that a Judge will issue an Initial Decision subject to review by the Commission.

cc: Chief ALJ Shane
John Wilson - Law Bureau

WWH:c





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

October 9, 1979

IN REPLY PLEASE
REFER TO OUR FILE

Monitor - Chairman Goode

C-79081404

P.A. P.U.C.
P.L.S.

(see attached list)

OCT 15 1979

Great Bend Township versus Consolidated Rail Corporation,
Pennsylvania Department of Transportation and County of
Susquehanna

Dear Sir:

This is to inform you that hearing in the above entitled proceeding will be held Thursday, November 1, 1979, at 10:00 a.m., in the Second Floor Conference Room, Legion Hall, Lake Avenue, Montrose.

The purpose of this hearing is, among other things, to receive testimony into the record regarding the alleged deterioration of the bridge carrying Township Road 821 above the grade of the tracks of Consolidated Rail Corporation in the township of Great Bend, Susquehanna County; what maintenance is necessary to restore the bridge to an adequate and safe condition.

We are enclosing herewith, a list of questions, prepared by our Bureau of Transportation, indicating information to be developed at the hearing, along with other relevant testimony.

The presiding officer in this proceeding will be Administrative Law Judge Thomas J. Jones, 436 Spruce Street, Scranton, Pennsylvania 15401; telephone (717) 342-1169.

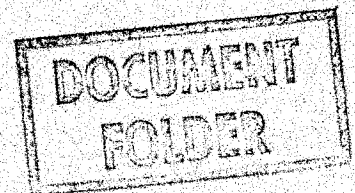
As a reminder, please be advised that three copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

ROCKETED
COMPLAINT DOCKET

OCT 16 1979

Sincerely,

William Shane
Chief Administrative Law Judge



Enclosure

ccs: Judge Jones, Law Bureau, Bureau of Rail Transportation, Mr. Bramson,
Ms. Miller, Ms. Lawrence, Complaint Section

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

Robert W. Cunliffe, Deputy Attorney General
Pennsylvania Department of Transportation
521 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

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

Robert Dean, Solicitor
County of Susquehanna
Courthouse
Montrose, Pennsylvania 18801

James Kutz, Assistant Counsel
Pa. P.U.C., Law Bureau
P. O. Box 3265
Harrisburg, Pennsylvania 17120

W. A. Verochi, President
Pennsylvania Electric Company
1001 Broad Street
Johnstown, Pennsylvania 15907

Paul W. Mazza, Vice President
Commonwealth Telephone Company
100 Lake Street
Dallas, Pennsylvania 18612



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

October 9, 1979

IN REPLY PLEASE
REFER TO OUR FILE

C-79081404

Francis X. O'Connor, Attorney
P. O. Box 591
Great Bend, Pennsylvania 18821

Great Bend Township versus Consolidated Rail Corporation,
Pennsylvania Department of Transportation and County of
Susquehanna

Dear Mr. O'Connor:

This is to inform you that hearing in the above entitled proceeding will be held Thursday, November 1, 1979, at 10:00 a.m., in the Second Floor Conference Room, Region Hall, Lake Avenue, Montrose.

The purpose of this hearing is, among other things, to receive testimony into the record regarding the alleged deterioration of the bridge carrying Township Road 821 above the grade of the tracks of Consolidated Rail Corporation in the township of Great Bend, Susquehanna County; what maintenance is necessary to restore the bridge to an adequate and safe condition.

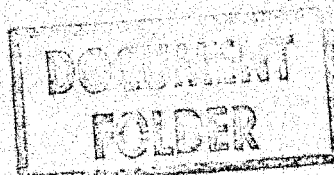
We are enclosing herewith, a list of questions, prepared by our Bureau of Transportation, indicating information to be developed at the hearing, along with other relevant testimony.

It will be necessary for you to publish the enclosed notice once during each of the weeks of October 15 and 22, 1979, in a newspaper having a general circulation in the area involved. Proof of publication must be received in this office on or before the date of hearing.

The presiding officer in this proceeding will be Administrative Law Judge Thomas J. Jones, 436 Spruce Street, Scranton, Pennsylvania 15401; telephone (717) 342-1169.

As a reminder, 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.

Sincerely,



William Shane
Chief Administrative Law Judge

Enclosures-2

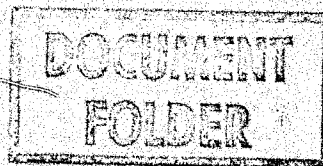
NOTICE TO BE PUBLISHED

NOTICE is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, inter alia, that respondents have failed to maintain properly a bridge over tracks (H 176.25) and requesting that the Commission require respondents to repair and maintain the structure and allocate future maintenance requirements as per its order of April 19, 1917, Docket No. A 321, which proceeding is entitled "Great Bend Township versus Consolidated Rail Corporation, Pennsylvania Department of Transportation and County of Susquehanna" (C-79081404), the Commission has fixed Thursday, November 1, 1979, at 10:00 a.m., in the Second Floor Conference Room, Region Hall, Lake Avenue, Montrose, Pennsylvania, as the time and place for hearing.

All parties interested, including the owners of adjacent property, may appear and be heard in person or by counsel.

s/

Francis X. O'Connor, Attorney for
Great Bend Township



1. Township of Great Bend submit testimony describing the general location of the existing railroad-highway crossing, above grade, involved in this proceeding.
2. Township of Great Bend submit testimony regarding the name, general location and termini of the public highway involved in this proceeding, together with the date and reasons why said highway was placed on the township's system.
3. Township of Great Bend submit testimony describing in detail the type, width of pavement, alignment and general physical condition of the highway approaches to the existing crossing, above grade.
4. Township of Great Bend submit testimony describing the general type of existing bridge, including the number of spans, principal dimensions and roadway width, together with the date and purpose of its construction.
5. Township of Great Bend submit testimony describing in detail the conditions presently existing at the crossing involved in this proceeding which led the township to file the instant complaint.
6. Township of Great Bend state, in its opinion, the cause of any deterioration to the structure.
7. Township of Great Bend submit testimony describing the general nature, scope and estimated cost of which, in its opinion, will be necessary in order to provide an adequate, safe and convenient crossing at this location.
8. Township of Great Bend state whether it has performed an in-depth inspection of the bridge or has prepared any engineering studies, estimates or construction plans for an improvement of the highway and the existing crossing, above grade, and, if so, submit copies thereof into the record and, if not, state whether it will agree to prepare such data.
9. Township of Great Bend state whether the bridge is posted for any weight restriction.
10. Township of Great Bend submit testimony as to the approximate daily volume of vehicular and pedestrian traffic normally using the highway at the crossing, together with anticipated future vehicular and pedestrian traffic. The testimony shall include whether the traffic is basically local in nature or consists of through traffic and the extent the crossing is used by trucks and school buses.

11. Township of Great Bend state the location of available alternate routes in the subject area for the various classes of vehicular traffic.
12. Township of Great Bend submit testimony regarding the number, frequency, location and cause of any accidents which may have occurred on the crossing and its approaches within the past five years, and the features of the structure and the approaches as may relate to the safety of motor vehicles and pedestrian users, and any other information or testimony which it considers relevant thereto.
13. Township of Great Bend state its present obligation with respect to maintenance of the existing crossing, above grade, and the highway approaches thereto.
14. Township of Great Bend submit testimony in regard to the maintenance and improvement it has performed on the crossing and the approaches thereto during the preceding five years, together with the approximate dates and costs of such work.
15. Township of Great Bend state which party or parties should be required to perform the actual work of any corrective measures found necessary and ordered by the Commission, and state what portion, if any, of the cost of said work that it will agree to bear and what portion, if any, should be borne by each of the other parties. (The answers shall be specific as to the reasons for its suggested allocations.)
16. Township of Great Bend state whether, in its opinion, the involved crossing is necessary for the service, accommodation, convenience and safety to the traveling public, or whether the crossing can be abolished and the highway closed to all traffic in the vicinity of the crossing.
17. Consolidated Rail Corporation submit testimony as to the exact corporate name of the owner and of the operator of the line of railroad involved in this proceeding, together with the name of the previous owner thereof.
18. Consolidated Rail Corporation submit testimony as to the number of tracks presently located at the site of the existing crossing, above grade; the volume, class and approximate speed of all trains operated daily over these tracks; and whether any changes to such operations are contemplated in the foreseeable future.
19. Consolidated Rail Corporation submit into evidence plans of the existing bridge, if available.

20. Consolidated Rail Corporation submit answers to Questions Nos. 4, 6, 7, 8, 9, 13, 14, 15 and 16 above.
21. Consolidated Rail Corporation submit as an exhibit a complete itemized list of all records obtained from Erie Lackawanna Railway Company (or others) relative to the subject crossing and any and all other conditions alleged in the complaint and make such records available at the hearing.
22. Pennsylvania Department of Transportation state whether the involved highway is on the State highway system and, if not, submit testimony and exhibits relative to the location of State highways in the vicinity of the involved crossing, above grade.
23. Pennsylvania Department of Transportation submit answers to Questions Nos. 4, 6, 7, 8, 9, 13, 14, 15, 16 and 19 above.
24. County of Susquehanna submit answers to Questions Nos. 6, 7, 8, 13, 14, 15 and 16 above.
25. Query whether the facilities of any non-carrier public utilities are located on the structure or within the general area of the involved crossing, above grade, and, if so, whether said utilities will agree to assume the cost and expense of altering, relocating or reconstructing its facilities, in the event the Commission directs work to be done at the crossing and the approaches thereto.
26. Query whether any of the interested parties desire to submit any additional relevant testimony.

October 11, 1979

IN REPLY PLEASE
REFER TO OUR FILE

C-79081404

Francis X. O'Connor, Esquire
P. O. Box 591
Great Bend, Pennsylvania 18821

PA. P.U.C.
M.S.

OCT 13 1979

Great Bend Township versus Consolidated Rail Corporation,
Pennsylvania Department of Transportation and County of
Susquehanna

Dear Sir:

Under date of October 9, 1979 you were informed of hearing to be held in the above entitled proceeding.

It is noted, that that letter contains a typographical error in the first paragraph. Our letter shows Region Hall as the location of the hearing whereas it should have read Legion Hall.

Will you please correct your records accordingly.

Sincerely,

William Shane

William Shane
Chief Administrative Law Judge

DOCKETED
COMPLAINT DOCKET
OCT 16 1979

P.S. (to O'Connor only)

We are attaching hereto a corrected Notice to be Published and apologize for the inconvenience caused you by this error.

Attachment

Similar letters - see list attached to 10/9/79 letter

ccs:

Judge Jones
Law Bureau
Bureau of Rail Transportation
Mr. Bramson
Ms. Miller

Ms. Lawrence
Complaint Section

DOCUMENT
FOLDER

NOTICE is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, inter alia, that respondents have failed to maintain properly a bridge over tracks (H 176.25) and requesting that the Commission require respondents to repair and maintain the structure and allocate future maintenance requirements as per its order of April 19, 1917, Docket No. A 321, which proceeding is entitled "Great Bend Township versus Consolidated Rail Corporation, Pennsylvania Department of Transportation and County of Susquehanna" (C-79081404), the Commission has fixed Thursday, November 1, 1979, at 10:00 a.m., in the Second Floor Conference Room, Legion Hall, Lake Avenue, Montrose, Pennsylvania, as the time and place for hearing.

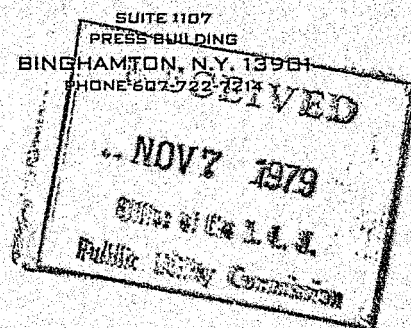
All parties interested, including the owners of adjacent property, may appear and be heard in person or by counsel.

s/

Francis X. O'Connor, Attorney for
Great Bend Township

FRANCIS X. O'CONNOR
ATTORNEY AND COUNSELLOR AT LAW

P. O. BOX 591
MAIN STREET
GREAT BEND, PA. 18821
PHONE 717-879-2534



November 5, 1979

Mr. William Shane
Chief Administrative Law Judge
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box # 3265
Harrisburg, PA 17120

Re: Great Bend Township v.
Consolidated Rail Corporation,
Pennsylvania Department of
Transportation and County
of Susquehanna
Our File No.: 369
Your File No.: C-79081404

Dear Mr. Shane:

Enclosed herewith you will find the proof of publication for the matter that was heard on Wednesday, October 31, 1979, regarding the above-captioned matter.

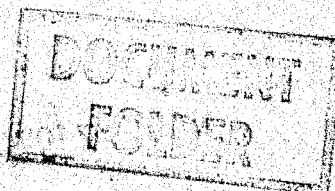
This is being sent to you as per the direction of the administrator at law judge, and as will be indicated on the transcript of the hearing.

If you have any further requests regarding this please feel free to contact this office.

Very truly yours,

Francis X. O'Connor, Esq.

FXOC/rcr
Enclosure



*File
NB*

NOTICE

NOTICE is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, inter alia, that respondents have failed to maintain properly bridge over tracks (R17425) and requesting that the Commission require respondents to repair and maintain the structure and allocate further maintenance requirements as perils of cost April 19, 1979, Docket No. A-92, which proceeding is entitled "Great Bend Township versus Consolidated Rail Corporation, Pennsylvania Department of Transportation and County of Susquehanna" (C-720124), the Commission has fixed Thursday, November 1, 1979, at 10:00 a.m. in the Second Floor Conference Room, Legion Hall, Lake Avenue, Montrose, Pennsylvania as the time and place for hearing.

All parties interested, including the owners of adjacent property, may appear and be heard in person or by counsel.

Ernie K. O'Connor
Attorney for Great Bend Township

(2-23)

Ruth T. States

[redacted], being duly sworn, says he is the editor of the Montrose Independent, a weekly newspaper of general circulation, published at Montrose, Pa., in said county, which was established in February, 1816, and that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of the statement as to time, place and character of publications are true, and that a notice, whereof the annexed is a copy, was published in said paper on

..... 18th day of October 1979
 and 25th day of October 1979
 and day of 197...
 and day of 197...
 and day of 197...
 Ruth T. States

Sworn and subscribed before me this ... 1st Day of ...
 November... A.D. 1979

Mary Ann Hillier, Notary Public

My Commission Expires Oct 23 1982

DOCKETED
 NOV 7 1979
 TC

DOCUMENT FOLDER

C-79081404. Great Bend Township v. Consolidated Rail Corp. et al. Notice is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging, inter alia, that respondents have failed to maintain properly a bridge over tracks (H 176.25) and requesting that the Commission require respondents to repair and maintain the structure and allocate future maintenance requirements as per its order of April 19, 1977, Docket No. A 321, which proceeding is entitled Great Bend Township v. Consolidated Rail Corporation, Pennsylvania Department of Transportation and County of Susquehanna (C-79081404), the Commission has fixed November 1, 1979, at 10 a.m., in the Second Floor Conference Room, Legion Hall, Lake Avenue, Montrose, Pa., as the time and place for hearing.

All parties interested, including the owners of adjacent property, may appear and be heard in person or by counsel.

Attorney for Great Bend Township
Francis X. O'Connor

WILLIAM P. DEHRFELDER

Secretary

Pa. B-000 No. 79-140 Filed October 19, 1979
9:00 a.m.]

DOCUMENT
FOLDER

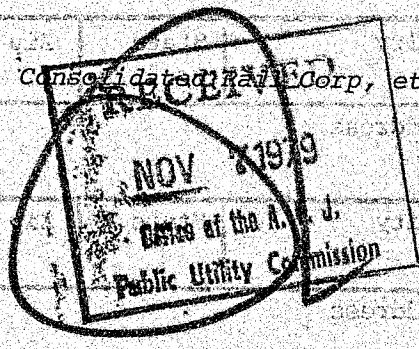
PENNSYLVANIA BULLETIN
Volume 9, Number 42

October 20, 1979

Docket No. C-79081404

In re:

Great Bend Twp v. Consolidated Rail Corp, et al.



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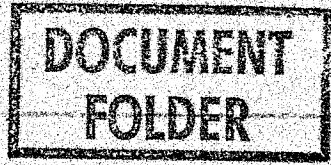
Pennsylvania
Public Utility Commission

SECRETARY'S OFFICE
Public Utility Commission

Harrisburg, Pa.

Following are the names of parties or counsel of record, with their post-office address, appearing at the hearing in the above entitled proceeding, held in *Montrose*

on *November 1, 1979*



Please Print Clearly
Incomplete Information May Result in Delay of Process

NAME	ADDRESS	APPEARING FOR
<i>Francis X Konnor</i>	<i>Main St</i> City: <i>Great Bend</i> State: <i>PA</i> Zip: <i>17821</i>	<i>Great Bend Twp</i>
<i>Joel E. Mazor</i>	<i>1138 6 Penn Center Plaza</i> City: <i>PAHADRONIA</i> State: <i>PA</i> Zip: <i>19104</i>	<i>CONSOLIDATED RAIL CORP.</i>
<i>George D. Wenick</i>	<i>Office of Chief Counsel</i> City: <i>Harrisburg</i> State: <i>PA</i> Zip: <i>17120</i>	<i>Dept. of Transportation</i>
<i>JAMES J Kutz</i>	<i>PA. PUC STAFF</i> <i>PO Box 3265</i> City: <i>HARRISBURG</i> State: <i>PA</i> Zip: <i>17120</i>	<i>Commission STAFF</i>

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



Kathryn LeStrange
Reporter

Robert C. Dean

City *Montrose* State *Pa* Zip *1880*

County

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