



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

January 23, 2019

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

RE: C-2018-3002326

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Prehearing Conference Memorandum* in the above captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

A handwritten signature in cursive script that reads "Gina M. D'Alfonso".

Gina M. D'Alfonso
Senior Counsel in Charge

cc: Administrative Law Judge Eranda Vero
Mark A. Chappell, P.E., Acting Highway Delivery Division Chief
Mary Ann Lang, District Grade Crossing Engineer, District 6-0
Robert Magee, P.E., District Grade Crossing Engineer, District 6-0
Gregory J. Vaughn, Grade Crossing Engineer, Central Office, KCB 7th Floor

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Andrew Broden	:	
	:	
v.	:	C-2018-3002326
	:	
CSX Transportation Inc.;	:	Electronically Filed
City of Philadelphia	:	
Pennsylvania Department of Transportation	:	

**PREHEARING CONFERENCE MEMORANDUM OF THE DEPARTMENT OF
TRANSPORTATION**

In accordance with the January 17, 2019 Prehearing Conference Order issued by Administrative Law Judge Eranda Vero, in the above referenced matter, the Department of Transportation (“Department”) offers the following in response to the specific requests contained therein:

1. It is requested that the Department’s sole entry on the service list shall be as follows:

Gina M. D’Alfonso
Senior Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
(fax) 717-772-2741
gdalfonso@pa.gov

2. The Department does not know if the matter can be settled and will participate in settlement as warranted. The issue in this matter is the condition of the guiderail and which party is responsible for the repair/replacement and the cost thereof.
3. The Department may have minimal discovery.

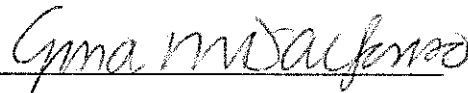
4. The Department suggests a May hearing date with written testimony to be provided by all parties in advance of the hearing. The Department intends to call the following as a witness and reserves the right to call additional or other witnesses as the case develops:

Mary Ann Lang, District Utility Manager
Department of Transportation
Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
610-205-6530

Ms. Lang will offer testimony in response to the questions and procedures and any other matters necessary for the Department's case. The Department does request that written testimony be submitted in this matter in advance of the hearing date.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Gina M. D'Alfonso
Senior Counsel in Charge
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128
gdalfonso@pa.gov

Date: 7/23/19

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Andrew Broden	:	
	:	
v.	:	C-2018-3002326
	:	
CSX Transportation Inc.;	:	Electronically Filed
City of Philadelphia	:	
Pennsylvania Department of Transportation	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Department's *Prehearing Conference Memorandum* was served upon the parties listed below, in accordance with the requirements of §1.54, by First-Class mail, postage prepaid, and electronically as indicated, this 23rd day of January, 2019.

Andrew Broden
742 Frankford Avenue
Philadelphia, PA 19136
abroden@pahouse.net

Derek Mihaly, Project Manager
CSX Transportation, Inc.
4 Neshaminy Interplex, Suite 205
Trevose, PA 19053

Benjamin C. Dunlap, Jr., Esquire
Nauman Smith Shissler & Hall
200 North Street, 18th Floor
PO Box 840
Harrisburg, PA 17108
bdunlapjr@nssh.com

Marcel Pratt
One Parkway Building, 17th Floor
1515 Arch Street
Philadelphia, PA 19102-1595

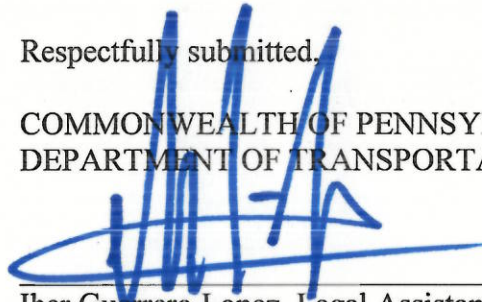
James Kellett, Esquire
City of Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
James.Kellett@phila.gov

Bradley R. Gorter, Esquire
PA PUC Bureau of Investigation and Enforcement
400 North Street
PO Box 3265
Harrisburg, 17105-3265
bgorter@pa.gov

Michael Swindler, Esquire
PA PUC Bureau of Investigation and Enforcement
400 North Street
PO Box 3265
Harrisburg, 17105-3265

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

A handwritten signature in blue ink, appearing to be 'Iber Guerrero Lopez', is written over a horizontal line. The signature is stylized and somewhat illegible.

Iber Guerrero Lopez, Legal Assistant to
Gina M. D'Alfonso
Senior Counsel in Charge
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212
Telephone No. (717) 787-3128
gdalfonso@pa.gov

DATED: January 23, 2019