



CITY OF PHILADELPHIA

LAW DEPARTMENT
One Parkway
1515 Arch Street
Philadelphia, PA 19102-1595

January 25, 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 Prehearing Conference Memorandum, compiled on behalf of Respondent, City of Philadelphia, in the above-referenced matter.

I hereby certify that a copy has been made available to all parties via the methods indicated in the accompanying Certificate of Service.

Sincerely,


James C. Kellett, Esq.
Deputy City Solicitor
City of Philadelphia Law Department
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Philadelphia, PA 19102
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P: 215-683-8452
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Dated: January 25, 2019

COMMONWEALTH OF PENNSYLVANIA

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ANDREW BRODEN	:	
	:	Docket No. C-2018-3002326
Complainant,	:	
v.	:	
	:	
CSX TRANSPORTATION, INC.,	:	
CITY OF PHILADELPHIA,	:	
AND	:	
PENNSYLVANIA DEPARTMENT OF	:	
TRANSPORTATION	:	
	:	
Respondents	:	

PREHEARING CONFERENCE MEMORANDUM

Respondent, City of Philadelphia (“City”), hereby submits the following Prehearing Conference Memorandum in response to the Prehearing Conference Order issued January 17, 2019, and the specific questions therein:

1. The City’s sole entry on the service list shall be:

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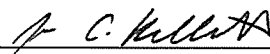
2. The City is open to discussion regarding settlement while maintaining the position that Co-Respondent, CSX Transportation, Inc. (“CSX”), bears responsibility for the condition of the safety features at issue.

3. Discoverable material shall be made available by the City pursuant to 52 Pa. Code §5.331, and supplemented if necessary pursuant to 52 Pa. Code §5.332. With regard to schedule, the City proposes that all discoverable material held knowingly by any party to this matter be exchanged within thirty (30) days of the preconference hearing, and supplemented thereafter accordingly.
4. The City suggests an evidentiary hearing in May 2019, with written direct testimony submitted prior to the hearing date.
5. The City intends to call the following witness:

Darin Gatti, Chief Engineer
City of Philadelphia Streets Department
1401 John F. Kennedy Boulevard, Ste. 830
215-686-5537

Mr. Gatti will testify to the history of the bridge in question, the current condition of the guiderail, and the problems created by CSX's erection of concrete supports to the bridge. The City reserves the right to call additional witnesses as the matter develops.

6. The sole question at issue is responsibility for the maintenance of deteriorated safety features at the location indicated in Complainant's filing. The City concurs with Complainant that the responsibility for this maintenance belongs to CSX.

BY: 
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Dated: January 25, 2019

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of 52 Pa. Code §1.54, by First Class United States Mail and electronically via e-mail.

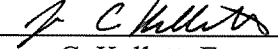
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