

RALPH D. PRATT, Esquire
MEMBER, 10TH DISTRICT
602 MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120
(717) 787-5475

3304 PLANK ROAD
NEW CASTLE, PENNSYLVANIA 16105
(412) 658-8000



FEB 11 8 59 AM '80

COMMITTEES

- BUSINESS AND COMMERCE
- MINORITY CHAIRMAN, SUB-COMMITTEE ON BANKING AND SAVINGS AND LOAN ASSOCIATIONS
- JUDICIARY
- SUB-COMMITTEE ON CRIMES & CORRECTIONS
- SUB-COMMITTEE ON COURTS

HOUSE OF REPRESENTATIVES
SECRETARY'S OFFICE
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG COMMISSION

February 8, 1980

C - 8004953

William P. Thierfelder, Secretary
Public Utility Commission
Commonwealth of Pennsylvania
118 North Office Building
Harrisburg, Pennsylvania 17120

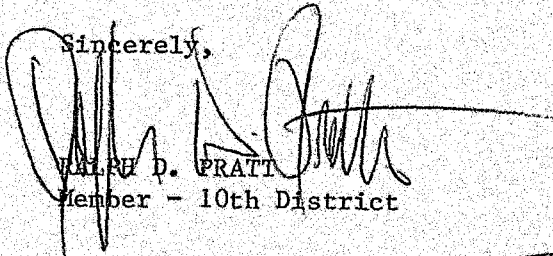
Re: State Representative Ralph D. Pratt
VS.
Chessie System (Baltimore & Ohio Railroad Company)

Dear Secretary Thierfelder:

Please find enclosed herewith an original and two copies of a formal complaint as captioned above for filing purposes.

Please provide me with proof of filing and a Complaint Docket Number.

Thank you for your assistance.

Sincerely,

RALPH D. PRATT
Member - 10th District

RDP:km

Enclosure

DOCUMENT
FOLDER

DOCKETED
APR 8 1980

February 19, 1980

C-80041953

Honorable Ralph D. Pratt, State Representative

v.

The Baltimore and Ohio Railroad Company, Borough of Ellwood City,
Lawrence County, Beaver County, and the Department of Transportation
of the Commonwealth of Pennsylvania

Honorable Ralph D. Pratt
House of Representatives
Room 602 - Main Capitol
Harrisburg, Pennsylvania 17120

Dear Sir:

Receipt is acknowledged of your letter of February 8,
1980, together with the original and two copies of your formal complaint
against The Baltimore and Ohio Railroad Company.

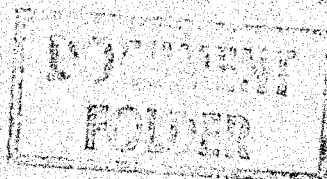
We are returning the complaint, as submitted, with the
request that, in addition to The Baltimore and Ohio Railroad Company,
you include the parties as shown in the caption above, as well as any
public utilities whose facilities may be involved and submit an
additional copy of the complaint for each party-respondent named,
pursuant to the Commission's Rules of Practice and Procedure. For that
purpose, we are enclosing herewith four additional copies of complaint
forms for your use.

Upon receipt of the complaint, same will receive the
attention of the Commission.

Very truly yours,

for WILLIAM P. THIERFELDER
Secretary

Enclosures
HHH:mpk



ORIGINAL

NOTE: SEE INFORMATION PRINTED ON PAGE 3 OF THIS FORM

RECEIVED
 APR 1 1980
 SECRETARY'S OFFICE
 Public Utility Commission
 BEFORE
 PENNSYLVANIA PUBLIC UTILITY COMMISSION

STATE REPRESENTATIVE RALPH D. PRATT

COMPLAINT DOCKET

CHESSE SYSTEM (BALTIMORE & OHIO RAILROAD COMPANY)

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

BOROUGH OF ELLWOOD CITY, LAWRENCE COUNTY

PENNSYLVANIA POWER COMPANY

WESTERN PENNSYLVANIA WATER COMPANY

COLUMBIA GAS OF PENNSYLVANIA, INC.

BELL TELEPHONE OF PENNSYLVANIA

1. COMPLAINING PARTY


name State Representative Ralph D. Pratt
 address Main Capitol Building, Room 602, Harrisburg, Pennsylvania 17120
 telephone number (717) 787-5475

2. ATTORNEY for complaining party

name Ralph D. Pratt, Esquire
 address 3304 Plank Road, New Castle, Pennsylvania 16105
 telephone number (412) 658-8000

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

name (See Attached)
 address _____
 type of company (water, electric, etc.) _____

DOCKETED
 APR 8 1980


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.

On March 19, 1979, representatives of the Respondent, staff of the Pennsylvania Public Utility Commission, officials of the Borough of Ellwood City and Complainant viewed the following areas within the Borough of Ellwood City for possible improvements by Respondent which areas include the rights-of-way and property of Respondent:

1. Second Street overpass;
2. Fifth Street underpass;
3. Sixth Street crossing.

DOCUMENT
 FOLDER

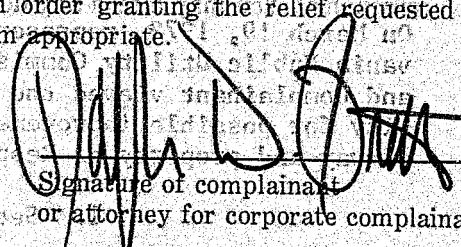
5. State how the utility's conduct adversely affects you.

Complainant is a duly elected member of the Pennsylvania House of Representatives representing the 10th Legislative District comprised of various municipalities in Lawrence and Mercer Counties, including the Borough of Ellwood City. In representing said district and Borough of Ellwood City, Complainant represents in the Pennsylvania House of Representatives the individuals residing in the Borough of Ellwood City who are continuously exposed to the hazards created as described in Paragraph Four of this complaint. Complainant has a constitutional and statutory duty to uphold the Pennsylvania Constitution and the laws of the Commonwealth in the best interests of the residents of Pennsylvania and the Borough of Ellwood City.

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

Complainant requests that the P.U.C. order the Respondent to make the necessary repairs and improvements to the areas, crossings and right-of-ways of Respondent to eliminate the hazards created by the deteriorated conditions thereof within ninety (90) days from the date of any order of the P.U.C. directing that said repairs and improvements be completed by the Respondent.

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

(3. Continued)

Chessie System (Baltimore & Ohio Railroad Company)
12 Grant Street
Pittsburgh, Pennsylvania 15219

Pennsylvania Department of Transportation
1200 Transportation and Safety Building
Harrisburg, Pennsylvania 17120

Borough of Ellwood City
Municipal Building
Ellwood City, Pennsylvania 16117

Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 16103

Western Pennsylvania Water Company
Ellwood City Branch
Lawrence Avenue
Ellwood City, Pennsylvania 16117

Columbia Gas of Pennsylvania, Inc.
200 North Mercer Avenue
New Brighton, Pennsylvania 15066

Bell Telephone of Pennsylvania
29 South Mercer Street
New Castle, Pennsylvania 16101

4. (Continued)

All of said areas include the rights-of-way and property of Respondent who is responsible for the maintenance thereof. At the said meeting and viewing on 3-19-79, Complainant and Ellwood City officials complained of the following:

1. Second Street overpass, above grade - holes in overpass creating a hazard to vehicular and pedestrian traffic;
2. Fifth Street overpass, below grade -
 - (a) surface water drainage from Respondent's railroad bed to street and sidewalk below causing damage to curbs and sidewalks;
 - (b) paint or other protective coating on steel structure is eroded causing possible corrosion to structure thereby creating a hazard to vehicular and pedestrian traffic;
3. Sixth Street crossing, at grade - asphalt deteriorating, potholes, deteriorated railroad ties and loose and uneven rails creating a hazard to crossing vehicular and pedestrian traffic.

Representatives of the Respondent, at the 3-19-79 meeting and by correspondence and conversations with the P.U.C. staff and Ellwood City officials, assured that the improvement work would be started and completed in the Fall, 1979. Thus far, no improvements have been made by Respondent despite assurances by Respondent that said improvement would be made in the Fall, 1979.

NOTE: EVERY NORMAL COMPLAINT AND ANSWER THEREIN MUST BE PERSONALLY VERIFIED BY A PARTY OR BY AN AUTHORIZED OFFICER OF THE PARTY IF IT IS A CORPORATION OR ASSOCIATION.

AFFIDAVIT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA

Dauphin County } ss:

Ralph D. Pratt, being duly sworn (affirmed) according to law, deposes and says that the facts set forth (are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof).

Ralph D. Pratt
Signature of Affiant

Sworn and subscribed before me this

1 day of August, 1980
SANDRA L. BENNETT, Notary Public
My Commission Expires July 26, 1982
Dauphin County, Pa.

Sandra L. Bennett
Signature of Official Administering Oath

AFFIDAVIT (Corporation)

COMMONWEALTH OF PENNSYLVANIA

County } ss:

being duly sworn (affirmed) according to law, deposes and says that he is (office of Affiant) of

(name of Corporation); that he is authorized to and does make this affidavit for it; and that the facts set forth above (are true and correct; or are true and correct to the

best of his knowledge, information and belief and he expects the said (name of Corporation) to be able to prove the same at the hearing hereof).

(name of Corporation)

Signature of Affiant

Sworn and subscribed before me this

day of 19

My Commission Expires

Signature of Official Administering Oath

NOT A PRACTICE AND PROCEDURE BEFORE THE COMMONWEALTH PUBLIC UTILITY COMMISSION

Every attorney appearing before the Commission must be admitted to practice before the Supreme Court of Pennsylvania or the highest court of another state if a similar agency in that other jurisdiction would permit members of the bar of this Commonwealth to practice before them.

FORMAL COMPLAINTS

(A) **CONTENT:**—Each formal complaint must be divided into numbered paragraphs and must set forth (1) Name and address of the complaining party and the name and address of complaining party's attorney, if any; (2) Name and address of the person or company complained against (respondent) and the nature or type of its business; (3) The interest of the complaining party which has been affected; (4) The act or thing done or not done or about to be done by the respondent which violates any law which the Commission administers or violates any regulation or order of the Commission. If you know the specific section of the statute or particular regulation or order of the Commission involved, please state it; (5) A clear statement of the relief sought. (52 Pa. Code § 3.12(a)).

(B) **EXECUTION: JOINDER OF CAUSES AND PARTIES:**—Each formal complaint must be in writing and must be signed and notarized; (1) By the party filing the complaint or by one of the parties if there is more than one; (2) By an authorized officer of the party filing the complaint if the party is a corporation or association. Complaints against rates and service must not be included in the same document. Two separate complaints should be filed; one for rates and one for service. All of the complaining party's grounds for suing the respondent must be stated at one time. Two or more people may join in one complaint if they both have complaints against the same respondent and their complaints are based upon a like set of facts or ask for the same relief from the Commission.

(C) **FILING: SERVICE:**—An original and three copies of each complaint must be filed and, if more than one respondent is named, an additional copy must be filed for each additional respondent. The Commission will serve a copy of the complaint upon each respondent together with a notice to satisfy the complaint or answer it in writing within twenty (20) days after the service.

Complaints by a public utility or other person or corporation subject to the public utility law challenging any regulation or order of the Commission which the complainant is or has been required to observe or carry into effect shall be substantially in the form above described and reference must be made to the particular regulation or order or part thereof complained against and shall quote the pertinent portions thereof.

Crossing Complaints. Parties Respondent. Whenever a complaint is made under Section 409 of the Public Utility Law that any crossing is dangerous or inadequate and requires reconstruction, relocation, alteration or abolition, all public utilities and municipal corporations concerned and, where applicable, the Department of Transportation of the Commonwealth of Pennsylvania, shall be made parties respondent.

ANSWERS TO COMPLAINTS

(D) **FORM AND EXECUTION: CONTENT: FILING AND SERVICE:**—Every answer shall be in writing and shall be signed and notarized in the form stated in 52 Pa. Code § 3.22 by the party filing such answer or by one of the parties if there is more than one or if the party is a partnership, or by an authorized officer of the party filing the answer if the party be a corporation or association. The answer shall set forth in paragraphs numbered to correspond with the complaint the facts upon which respondent relies and shall specifically admit or deny the material allegations of the complaint. An original and two copies of each answer shall be filed (1 Pa. Code 33.15). Proof of service of one copy of each answer upon each complainant or his attorney shall be attached to such answer.

file

DOCKETED
APR 11 1980
sc

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of

Ralph D. Pratt, State Representative
vs.

Baltimore and Ohio Railroad Co; Department of Transportation of the Commonwealth of PA; Borough of Ellwood City; Lawrence County; Pennsylvania Power Company; Western Pennsylvania Water Company; Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania

Complaint Docket

No. C-80041953

19 80

TO

Raymond F. Scully, Vice President
and General Counsel
The Bell Telephone Company of Pennsylvania
One Parkway
Philadelphia, Pennsylvania 19102

DOCUMENT
FOLDER

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 ELEVENTH day of

APRIL 19 80

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Rice P. Thurman

Secretary

File

DOCKETED
APR 11 1980
je

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG**

In re Complaint of

Ralph D. Pratt, State Representative

vs.

Baltimore and Ohio Railroad Co; Department of
Transportation of the Commonwealth of PA; Borough
of Ellwood City; Lawrence County; Pennsylvania
Power Company; Western Pennsylvania Water Company;
Columbia Gas of Pennsylvania, Inc. and The Bell
Telephone Company of Pennsylvania

Complaint Docket

No. C-80041953

19 80

TO

C. E. Heck, Division Manager
Chessie System
12 Grant Street
Pittsburgh, PA 15219

**DOCKET
FOILER**

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.

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APRIL, 19 80

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Kill P. Thunfelder

Secretary

file

DOCKETED
APR 11 1980
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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of

Ralph D. Pratt, State Representative
vs.

Baltimore and Ohio Railroad Co; Department of
Transportation of the Commonwealth of PA; Borough
of Ellwood City; Lawrence County; Pennsylvania
Power Company; Western Pennsylvania Water Company;
Columbia Gas of Pennsylvania, Inc. and The Bell
Telephone Company of Pennsylvania

Complaint Docket

No. C-80041953

19 80

TO

Robert W. Cunliffe, Deputy Attorney General
Pennsylvania Department of Transportation
Transportation and Safety Building
Room 511
Harrisburg, Pennsylvania 17120

DOCUMENT
FOLDER

TAKE NOTICE:

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been presented and filed of record with the Pennsylvania Public Utility Commission.

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by affidavit, within TWENTY days from the date hereof.

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its seal to be hereunto attached, duly attested by its Secretary, this ELEVENTH day of
APRIL, 19 80

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Rick J. Thurman

Secretary

File

DOCKETED
APR 11 1980
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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of

Ralph D. Pratt, State Representative
vs.

Baltimore and Ohio Railroad Co; Department of
Transportation of the Commonwealth of PA; Borough
of Ellwood City; Lawrence County; Pennsylvania
Power Company; Western Pennsylvania Water Company;
Columbia Gas of Pennsylvania, Inc. and The Bell
Telephone Company of Pennsylvania

Complaint Docket

No. C-80041953

19.80

TO

Nick Frisk, Jr.
113 Fifth Street
Ellwood City, PA 16117

DOCKET
FOLDER

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.....ELEVENTH.....day of

.....APRIL....., 19.80

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Nice P. Thur Jelder

Secretary

File

DOCKETED
APR 11 1980
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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG

In re Complaint of

Ralph D. Pratt, State Representative
vs.

Baltimore and Ohio Railroad Co; Department of
Transportation of the Commonwealth of PA; Borough
of Ellwood City; Lawrence County; Pennsylvania
Power Company; Western Pennsylvania Water Company;
Columbia Gas of Pennsylvania, Inc. and The Bell
Telephone Company of Pennsylvania

Complaint Docket

No. C-80041953

19 80

TO

Frank G. Verterano
Court House, Court Street
New Castle, PA 16101

DOCUMENT
FOLDER

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 ELEVENTH day of
APRIL, 19 80

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Rice D. Thurman

Secretary

DOCKETED
APR 11 1980
sl

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG**

In re Complaint of

Ralph D. Pratt, State Representative
vs.

Baltimore and Ohio Railroad Co; Department of Transportation of the Commonwealth of PA; Borough of Ellwood City; Lawrence County; Pennsylvania Power Company; Western Pennsylvania Water Company; Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania

Complaint Docket

No. C-80041953

1980

TO

Ray E. Semmler, President
Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 16103

RECEIVED
APR 11 1980

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 ELEVENTH day of

APRIL 19 80

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Richard J. Thunfelder

Secretary

File

DOCKETED
APR 11 1980
ll

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG**

In re Complaint of

Ralph D. Pratt, State Representative
vs.

Baltimore and Ohio Railroad Co; Department of
Transportation of the Commonwealth of PA; Borough
of Ellwood City; Lawrence County; Pennsylvania
Power Company; Western Pennsylvania Water Company;
Columbia Gas of Pennsylvania, Inc. and The Bell
Telephone Company of Pennsylvania

Complaint Docket

No. C-80041953

19 80

TO

G. C. Smith, President
Western Pennsylvania Water Company
c/o American Water Works Service
Company, Inc.
P.O. Box 10449
250 Mt. Lebanon Boulevard
Pittsburgh, PA 15234

**DOCUMENT
FOLDER**

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 ELEVENTH day of APRIL, 19 80

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Rice P. Thur Jelder

Secretary

File

DOCKETED
APR 11 1980
sc

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG**

In re Complaint of

Ralph D. Pratt, State Representative
vs.

Baltimore and Ohio Railroad Co; Department of Transportation of the Commonwealth of PA; Borough of Ellwood City; Lawrence County; Pennsylvania Power Company; Western Pennsylvania Water Company; Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania

Complaint Docket

No. C-80041953

19 80

TO

D. W. Blasche, District Manager
Columbia Gas of Pennsylvania, Inc.
1405 McFarland Road
Pittsburgh, Pennsylvania 15216

**DOCUMENT
FOLDER**

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 ELEVENTH day of

APRIL 19 80

Enclosure
Certified Mail
Receipt Requested

ATTEST:

Rice P. Thurman

Secretary

EXECUTED COPY
ORIGINAL

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 28 9 25 AM '80

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

In Re: Ralph D. Pratt, State Representative,
Complainant,
v.
Baltimore and Ohio Railroad Co.; Department of Transportation of the Commonwealth of PA; Borough of Ellwood City; Lawrence County; Pennsylvania Power Company; Western Pennsylvania Water Company; Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania,
Respondents.

Complaint Docket No. C-80041953
1980

DOCKETED
APR 29 1980

DOCUMENT FOLDER

MOTION OF PENNSYLVANIA POWER COMPANY FOR AMPLIFICATION OF COMPLAINT

Background

Pennsylvania Power Company (hereinafter, "Penn Power") received the Complaint in this proceeding on April 14, 1980. The Complaint alleges in Paragraph 4 that the conditions of three specified railroad facilities create hazards to vehicular and pedestrian traffic in Ellwood City, Pennsylvania. Complainant requests in Paragraph 6 that the Commission "order the Respondent to make the necessary repairs and improvements to the areas . . .".

Motion for Amplification

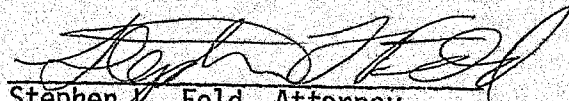
Penn Power believes the Complaint avers matters so insufficiently that an adequate answer is impossible. In Paragraphs 4 and 6 of the Complaint, Complainant repeatedly refers to "Respondent", a noun singular in number. Yet the Complaint has been filed against eight (8) Respondents, a noun plural in number. The only Respondent which clearly was present at the March 19, 1979 meeting referred to in Paragraph 4 is the Borough of Ellwood City. It is not at all clear which Respondent or Respondents have "rights-of-way and property"

in the area, which one or ones are "responsible for the maintenance thereof", or which one or ones made assurances that improvements would be made by Fall, 1979.

The Complaint in its present form makes averments only as to one, unidentified Respondent. Further, the relief sought by the Complainant is sought against only one, unidentified Respondent. Without further specification of the allegations, if any, against each of the eight Respondents, Penn Power cannot answer the averments contained in the Complaint.

WHEREFORE, Respondent Pennsylvania Power Company respectfully requests pursuant to Commission Rule 3.151 that Paragraphs 4 and 6 of the Complaint in this docket be amplified by Complainant to specify which Respondent or Respondents are the subject of each individual allegation contained therein; and that Respondent Pennsylvania Power Company be given twenty (20) days from the receipt of a sufficiently amplified Complaint in which to file an answer thereto.

Respectfully submitted,

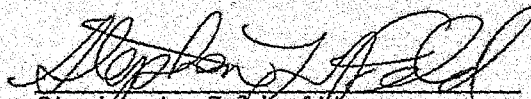

Stephen L. Feld, Attorney

Pennsylvania Power Company
1 East Washington Street
New Castle, PA 16103

Dated: April 24, 1980

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record.


Stephen L. Feld, Attorney

Dated: April 24, 1980



PENNSYLVANIA POWER COMPANY

1 EAST WASHINGTON STREET NEW CASTLE, PA. 16103 • 412-652-5531

ORIGINAL

LEGAL DEPARTMENT

April 24, 1980

JAMES R. EDGERLY, Secretary & General Counsel
ROBERT P. WUSHINSKE, Senior Attorney
HARRY A. FLANNERY, Attorney
STEPHEN L. FELD, Attorney

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

Re: Complaint Docket No. C-80041953

Dear Secretary Thierfelder:

Enclosed are one original and two copies of Pennsylvania Power Company's Motion for Amplification of the Complaint in the above docket.

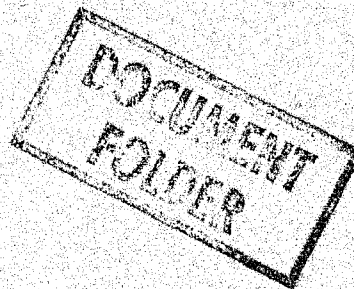
Also enclosed is my Notice of Appearance in this docket.

Sincerely yours,

Stephen L. Feld
Attorney

SLF:k1k
Enclosures

cc: Ralph D. Pratt)
All Respondents) With enclosure



ORIGINAL
COLUMBIA GAS OF PENNSYLVANIA, INC.

99 NORTH FRONT STREET



COLUMBUS, OHIO

43 APR 28 9 18 AM '80

April 23, 1980

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Mr. William P. Thierfelder, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17120

Re: Ralph D. Pratt, vs Baltimore and Ohio Railroad
Company, et al, Complaint Docket C-800-41953

Dear Mr. Thierfelder:

Enclosed are an original and three copies of Columbia
Gas of Pennsylvania, Inc.'s Answer to be filed in the above
captioned proceeding.

A copy of this document has been served on all parties
named in the Complaint.

Very truly yours,

W. U. Jacoby
Attorney

WUJ:ns

Enclosures



Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 28 9 18 AM '80

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

RALPH D. PRATT, State Representative)
)
 vs)
)
 BALTIMORE AND OHIO RAILROAD CO.;)
 DEPARTMENT OF TRANSPORTATION OF THE)
 COMMONWEALTH OF PA.; BOROUGH OF)
 ELLWOOD CITY: PENNSYLVANIA POWER)
 COMPANY; WESTERN PENNSYLVANIA WATER)
 COMPANY; COLUMBIA GAS OF PENNSYLVANIA,)
 INC.; and THE BELL TELEPHONE COMPANY)
 OF PENNSYLVANIA)

Complaint Docket
No. C-80041953
1980

ANSWER TO
FORMAL COMPLAINT

NOW comes Respondent COLUMBIA GAS OF PENNSYLVANIA, INC. (Columbia), and states and avers as follows:

1. Paragraph 1 of the Complaint does not require an answer.
2. Paragraph 2 of the Complaint does not require an answer.
3. Paragraph 3 of the Complaint does not require an answer.
4. Columbia denies the averment in Paragraph 4 of the Complaint that it met with the Staff of the Pennsylvania Public Utility Commission, officials of the Borough of Ellwood City, and Complainant on March 19, 1979 to view certain described areas within the Borough of Ellwood City; as a matter of fact, Columbia was not invited to attend this meeting and was not even aware of the fact that this meeting had been held.

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APR 29 1980
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Columbia further denies that it at any time entered into correspondence or conversations with the P.U.C. Staff and Ellwood City officials regarding the subject matter of this Complaint and denies that it ever promised or agreed to make any improvements in the areas within the Borough of Ellwood City described in the Complaint.

5. Paragraph 5 of the Complaint deals primarily with the status and duties of Complainant, to which no answer is required. With respect to the averment concerning the hazards to which the residents of Ellwood City are exposed, Columbia denies that it has in any manner whatever caused, or contributed to the cause of, any hazardous conditions in the areas described in the Complaint.


6. Paragraph 6 of the Complaint deals with the relief Complainant is seeking, to which no answer is required.

7. Columbia affirmatively states and avers that it has no facilities of any kind in two of the areas where Complainant alleges the existence of hazardous conditions, namely, the Second Street overpass and the Fifth Street overpass. It is only at the third location mentioned in the Complaint, the Sixth Street crossing, that Columbia has any facilities, consisting of a 10-inch pipeline, in steel casing, below the surface of the crossing. Columbia submits that the existence of its below-ground pipeline in no way caused or contributed to the hazardous conditions complained of at that site, i.e. asphalt deteriorating, potholes, deteriorated railroad ties, and loose and uneven rails.

For the reasons stated above, Columbia disclaims any responsibility for the hazardous conditions cited by Complainant and for the amelioration of these conditions.

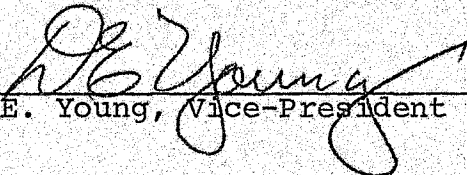
Respectfully submitted,

COLUMBIA GAS OF PENNSYLVANIA, INC.

By: 
D. E. Young, Vice-President

A F F I D A V I T

Being duly sworn, the aforesigned D. E. Young hereby states that he is Vice-President of Columbia Gas of Pennsylvania, Inc., that he is authorized to make this statement on its behalf, and that to the best of his knowledge and belief, the statements contained in the foregoing Answer to Formal Complaint are true, except to the extent that they are based on belief, in which case he believes them to be true.

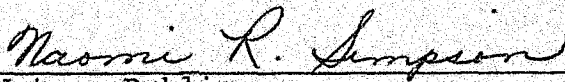


D. E. Young, Vice-President

April 23, 1980
Date

STATE OF OHIO)
)
COUNTY OF FRANKLIN)

Sworn and subscribed before this 23rd day of April, 1980.



Notary Public

NAOMI R. SIMPSON
NOTARY PUBLIC FOR THE STATE OF OHIO
FRANKLIN COUNTY
MY COMMISSION EXPIRES JULY 21, 1988

CERTIFICATE OF SERVICE

I do hereby certify that I have, this 23rd day of April, 1980 served a copy of the foregoing Answer to Formal Complaint by mailing said copy via regular U. S. Mail, postage prepared to the following parties:

Ralph D. Pratt, Esq.
3304 Plank Road
New Castle, Pennsylvania 16105

Baltimore & Ohio Railroad Company
12 Grant Street
Pittsburgh, Pennsylvania 15219

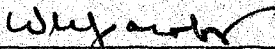
Pennsylvania Department of Transportation
1200 Transportation and Safety Building
Harrisburg, Pennsylvania 17120

Borough of Ellwood City
Municipal Building
Ellwood City, Pennsylvania 16117

Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 16103

Western Pennsylvania Water Company
Ellwood City Branch
Lawrence Avenue
Ellwood City, Pennsylvania 16117

Bell Telephone Company of Pennsylvania
29 South Mercer Street
New Castle, Pennsylvania 16101



W. U. Jacoby
Attorney for
Columbia Gas of Pennsylvania, Inc.

99 North Front Street
Columbus, Ohio 43215
(614) 460-2333

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

In Re: Ralph D. Pratt, State Representative, :
 v. :
Baltimore and Ohio Railroad Co.; :
Department of Transportation of the :
Commonwealth of PA; Borough of :
Ellwood City; Lawrence County; :
Pennsylvania Power Company; Western :
Pennsylvania Water Company; Columbia :
Gas of Pennsylvania, Inc. and The :
Bell Telephone Company of Pennsylvania. :

Complaint Docket No. C-80041953
1980

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf
of Pennsylvania Power Company.

I am authorized to accept service on behalf of said participant in
this matter.

On the basis of this notice, I request a copy of each document hereafter
issued by the Pennsylvania Public Utility Commission in this matter.


Signature

Stephen L. Feld
Name (Printed)

1 East Washington Street
P. O. Address

New Castle, PA 16103
City, State and Zip Code

412 - 652-5531
Telephone Number (Including Area Code)

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APR 29 1980
T.C.

DOCUMENT
FOLDER

Before the

PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 30 10 23 AM '80
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SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Ralph D. Pratt, State Representative

vs.

Baltimore and Ohio Railroad Company,
Department of Transportation of the
Commonwealth of Pennsylvania, Borough
of Ellwood City, Lawrence County,
Pennsylvania Power Company, Western
Pennsylvania Water Company, Columbia
Gas of Pennsylvania, Inc. and The
Bell Telephone Company of Pennsylvania

COMPLAINT

DOCKET

NO. C-80041953

ANSWER TO COMPLAINT OF STATE
REPRESENTATIVE RALPH D. PRATT

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes the Department of Transportation of the
Commonwealth of Pennsylvania (Department) by its undersigned
attorney, and makes answer to the Complaint of Ralph D. Pratt,
State Representative alleging as follows:

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

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APR 30 1980
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4. Admitted in part and denied in part. Crossing No. 1. The allegations as stated in Paragraph 4 as to Crossing No. 1 of the Complaint are admitted. The Second Street overpass, above grade, is located on L.R. 315, Station 13+26 (Traffic Routes 65 and 288). The subject bridge is over the tracks of Chessie System (B & O Railroad Company). According to P.U.C. Order C-17665, dated September 3, 1963, the Department is responsible to maintain the roadway paving between curbs on the existing bridge and the highway approaches thereto and including the retaining walls on each approach to the bridge. According to the same Order the B & O Railroad Company is required to maintain the substructure and superstructure including the sidewalks and railings on the subject bridge. Crossing No. 2. The allegations as stated in Paragraph 4 as to Crossing No. 2 of the Complaint are admitted. The Fifth Street overpass, below grade, is located on L.R. 37011 Spur, at Station 3+10 (Traffic Route 351). The bridge carries the tracks of the B & O Railroad Company over Fifth Street. There is no record in the Department to indicate who is responsible for the maintenance of the bridge. Crossing No. 3. The allegations contained in Petitioner's Paragraph 4 as to Crossing No. 3 are denied. After reasonable investigation, the Department is unable to affirm the allegations contained in the Complaint, regarding Crossing No. 3 and demands strict proof thereof at the trial of this cause. The Sixth Street crossing, at grade is not located on a state maintained highway, therefore, the Department is unable to deny or affirm the allegations of the Complainant regarding the Sixth Street Crossing.

5. Admitted.

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,



Herbert G. Zahn
Assistant Attorney General

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



APR 20 10 23 AM '80

IN REPLY REFER TO

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

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

Re: Complaint Docket No. C-80041953
Lawrence County

Dear Mr. Thierfelder:

Enclosed for filing with the Commission are the original and two (2) copies of Answer to Complaint of State Representative Ralph D. Pratt on behalf of the 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.

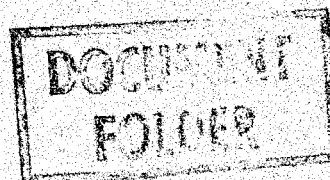
Very truly yours,

A handwritten signature in cursive script, appearing to read "Herbert G. Zahn".

Herbert G. Zahn
Assistant Attorney General
(717) 787-5931

220/HGZ:rmm
Enclosures

cc: K. W. Walker, P.E., Chief Utility Engineer
District #1-0
Parties of Record - Page 2



PARTIES OF RECORD

Ralph D. Pratt, Esquire
3304 Plank Road
New Castle, Pennsylvania 16105

Chessie System
12 Grant Street
Pittsburgh, Pennsylvania 15219

Borough of Ellwood City
Municipal Building
Ellwood City, Pennsylvania 16117

Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 16103

Western Pennsylvania Water Company
Ellwood City Branch
Lawrence Avenue
Ellwood City, Pennsylvania 16117

Columbia Gas of Pennsylvania, Inc.
200 North Mercer Avenue
New Brighton, Pennsylvania 15066

Bell Telephone of Pennsylvania
29 South Mercer Street
New Castle, Pennsylvania 16101

Richard A. Harper, Esquire
Solicitor for Lawrence County
Court House, Court Street
New Castle, Pennsylvania 16101

RECEIVED

MAY 2 1980

SECRETARY'S OFFICE
Public Utility Commission

 Chessie System

Terminal Tower
P. O. Box 6419
Cleveland, Ohio 44101
~~216/623-2491~~
216/623-2491

April 29, 1980

Ralph D. Pratt, Esq.
3304 Plank Road
New Castle, PA 16105

Re: Pa. Public Utility Commission
Complaint Docket No. C-80041953

Dear Mr. Pratt:

This letter will serve to memorialize our phone conversation of April 28th wherein you agreed to amend your complaint, Docket No. C-80041953, before the Pennsylvania Public Utility Commission by deleting Chessie System as a Respondent. This agreement was reached following my explanation that there is no corporate entity by that name. "Chessie System" is a term used to refer to three separate and distinct railroads of which The Baltimore and Ohio Railroad Company is one.

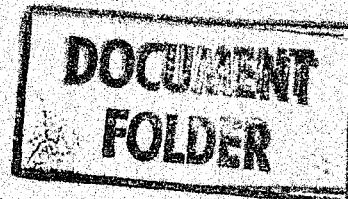
Thank you for your cooperation in this matter.

Respectfully,

Nicholas S. Yovanovic
Attorney
The Baltimore and Ohio
Railroad Company

NSY/jb

cc: Mr. William P. Thierfelder, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120



Law Department

ORIGINAL

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RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

 Chessie System

Terminal Tower
P. O. Box 6419
Cleveland, Ohio 44101
~~216/623-2200~~
216/623-2491

April 29, 1980

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

Re: Complaint of Ralph D. Pratt, State Representative
vs.

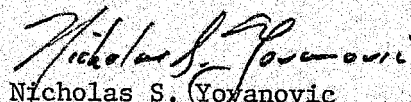
The Baltimore and Ohio Railroad Co.,; Department of
Transportation of the Commonwealth of PA; Borough of
Ellwood City; Lawrence County; Pennsylvania Power
Company; Western Pennsylvania Water Company; Columbia
Gas of Pennsylvania, Inc., and The Bell Telephone
Company of Pennsylvania
Complaint Docket No. C-80041953 (1980)

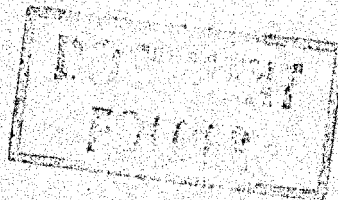
Dear Mr. Thierfelder:

Enclosed for filing with the Commission is the original and
three copies of the Answer of The Baltimore and Ohio Railroad Company
to the Complaint of Ralph D. Pratt, State Representative. Please return
one copy, time-stamped to me in the enclosed, self-addressed, postage
prepaid envelope.

I hereby certify that a copy of said Answer has this day been
sent to Ralph D. Pratt, Esq. and all others listed in paragraph 3 of the
complaint.

Respectfully submitted,


Nicholas S. Yovanovic
Attorney for The Baltimore and
Ohio Railroad Company
Terminal Tower
P.O. Box 6419
Cleveland, Ohio 44101
(216) 623-2491



NSY/jb
encl.



The Chessie System railroads are the C&O, B&O, WM and affiliated lines. Chessie System, Inc.
is the parent for the railroads, Chessie Resources, Inc., Western Pocahontas Corp. and The Greenbrier.



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

April 30, 1980

IN REPLY PLEASE
REFER TO OUR FILE

C-80041953

In re:

State Representative Ralph D. Pratt

v.

Chessie System (The Baltimore and Ohio Railroad Company), Pennsylvania Department of Transportation, Borough of Elwood City, Lawrence County, Pennsylvania Power Company, Western Pennsylvania Water Company, Columbia Gas of Pennsylvania, Inc., and The Bell Telephone Company of Pennsylvania

Dear

This is to advise that a field investigation and conference will be held at the sites of the crossings where Second Street, Fifth Street, and Sixth Street cross the tracks of The Baltimore and Ohio Railroad Company, in the Borough of Ellwood City, Lawrence County, on Thursday, May 22, 1980 at 10:00 a.m. to discuss matters relating to the referenced complaint.

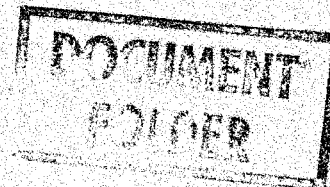
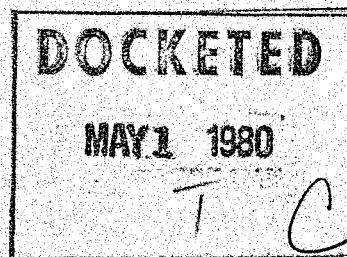
The parties will meet, initially, at the Fifth Street crossing.

Kindly arrange to have a representative present.

Very truly yours,

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

WWH/f



Honorable Ralph D. Pratt, Member
State House of Representatives
3304 Plank Road
New Castle, PA 16105

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

Mr. Gregory Ferrese, Manager
Borough of Ellwood City
525 Lawrence Avenue
Ellwood City, PA 16117

Mr. E. Q. Johnson, Chief Engineer
Chessie System
P.O. Box 1800
Huntington, West Virginia 25718

Mr. Frank A. Vitril, Chairman
Lawrence County Commissioners
Courthouse, Court Street
New Castle, PA 16101

Mr. Raymond F. Scully, Vice President & General Counsel
The Bell Telephone Company of Pennsylvania
One Parkway
16th Floor
Philadelphia, PA 19102

Mr. G. C. Smith
Western Pennsylvania Water Company
c/o American Water Works Service Company, Inc.
P.O. Box 10499
250 Mt. Lebanon Boulevard
Pittsburgh, PA 15234

Mr. W. U. Jacoby, Attorney
Columbia Gas Distribution Companies
99 North Front Street
Columbus, Ohio 43216

Pennsylvania Power Company
One East Washington Street
New Castle, PA 16103

PA 16103

ORIGINAL

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RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Complaint of)
)
Ralph D. Pratt, State Representative)
)
vs.)
)
The Baltimore and Ohio Railroad Company;)
Department of Transportation of the)
Commonwealth of PA; Borough of Ellwood)
City; Lawrence County; Pennsylvania Power)
Company; Western Pennsylvania Water)
Company; Columbia Gas of Pennsylvania,)
Inc., and The Bell Telephone Company of)
Pennsylvania.)

COMPLAINT DOCKET
NO. C-80041953
(1980)

ANSWER OF

THE BALTIMORE AND OHIO RAILROAD COMPANY

Comes now The Baltimore and Ohio Railroad Company (hereinafter B&O), by and through its counsel, and respectfully files this Answer to the Complaint in the above-entitled matter and respectfully represents:

1. The complete name and address of the Respondent are The Baltimore and Ohio Railroad Company, 100 North Charles Street, Baltimore, Maryland 21201.
2. The name and address of the attorney for the B&O are Nicholas S. Yovanovic, Law Department, Terminal Tower, P. O. Box 6419, Cleveland, Ohio 44101.
3. The averments in paragraphs 1 and 2, inclusive, of the complaint are admitted.

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4. The averments of paragraph 3 of the complaint with exception to the reference in said paragraph to "Chessie System (Baltimore and Ohio Railroad Company)" are denied for a want of knowledge. With respect to the reference to "Chessie System", there is no such corporate entity. The B&O admits that it operates over the tracks which cross under the roadway at Second Street, over the roadway at Fifth Street and at grade with the roadway at Sixth Street in the Borough of Ellwood City, Pennsylvania.

5. The B&O admits that it was represented at a field hearing conducted by the Pennsylvania Public Utility Commission in 1979, which concerned the crossings at Second Street and Fifth Street. The B&O denies that the crossing at Sixth Street was involved in said field conference. Further, the B&O admits that it has been assigned certain maintenance responsibilities with respect to the subject crossings. Additionally, the B&O admits that its representatives indicated that they would investigate the Second and Fifth Streets highway-railroad crossings and undertake the appropriate maintenance. Each and every other allegation in paragraph 4 of the Complaint is denied by the B&O.

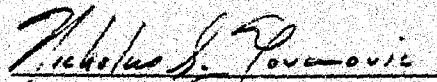
6. The B&O denies, for a want of sufficient knowledge, the averments in paragraph 5 of the Complaint.

6. Repairs were made by the B&O to the railroad-highway crossings at Second and Fifth Streets in late 1979.

7. The B&O presently intends to make normal maintenance repairs to the at-grade crossing at Sixth Street in 1980.

WHEREFORE, the B&O respectfully requests that the Commission
dismiss the Complaint against it.

Respectfully submitted,

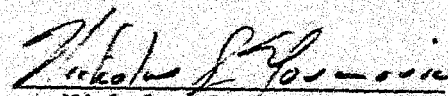


Nicholas S. Yovanovic
Attorney for Respondent
The Baltimore and Ohio Railroad
Company
Terminal Tower
P.O. Box 6419
Cleveland, Ohio 44101
(216) 623-2491

AFFIDAVIT

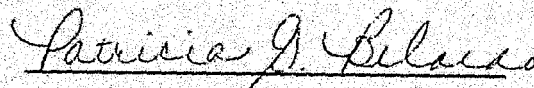
STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

Before me, the undersigned personally appeared, Nicholas S. Yovanovic, Attorney, who being duly sworn according to law, deposes and says that the facts contained in the foregoing Answer are true and correct to the best of his knowledge, information and belief.



Nicholas S. Yovanovic

Sworn and subscribed before me
this 29th day of April, 1980



PATRICIA G. BILARDO, Notary Public
State of Ohio - Cuy. County
My commission expires May 3, 1991

ORIGINAL

W. Preston Granbery
Attorney

MAY 2 8 28 AM '80
RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

The Bell Telephone Company
of Pennsylvania
Law Department
One Parkway
Philadelphia, Pennsylvania 19102
Phone: (215) 466-4717

May 1, 1980

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

Re: Ralph D. Pratt, State Representative
v. Baltimore and Ohio Railroad Co.;
Department of Transportation of The
Commonwealth of Pennsylvania; Borough
of Ellwood City; Lawrence County; Pa.
Power Co.; Western Penna. Water Co.;
Columbia Gas of Pennsylvania, Inc.;
and The Bell Telephone Company of
Pennsylvania C-80041953

Dear Mr. Thierfelder:

Enclosed herewith for filing with the Commission are the original and two copies of the Answer of The Bell Telephone Company of Pennsylvania in the above referenced matter.

Very truly yours,

W. Preston Granbery
W. Preston Granbery

/ecp

Enclosures

cc: All parties of record.

EXHIBIT
FOLDER 1

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RALPH D. PRATT, STATE
REPRESENTATIVE

V.

BALTIMORE AND OHIO RAILROAD
CO.; DEPARTMENT OF TRANSPORTA-
TION OF THE COMMONWEALTH OF
PENNSYLVANIA; BOROUGH OF
ELLWOOD CITY; LAWRENCE COUNTY;
PENNSYLVANIA POWER CO.;
WESTERN PENNSYLVANIA WATER CO.;
COLUMBIA GAS OF PENNSYLVANIA,
INC.; AND THE BELL TELEPHONE
COMPANY OF PENNSYLVANIA

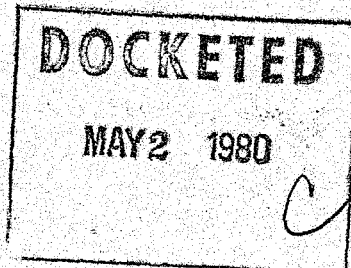
COMPLAINT DOCKET
NO. C-80041953

ORIGINAL

ANSWER OF
THE BELL TELEPHONE COMPANY OF PENNSYLVANIA

The Bell Telephone Company of Pennsylvania ("Bell"),
Respondent in the above proceeding, in answer to the Complaint
filed therein, respectfully says:

1. Admitted.
2. Admitted.
3. Bell admits that the parties against whom the
Complaint is being brought include those listed in the third
paragraph of the Complaint.
4. Bell does not have sufficient information to form
a belief as to the truth or falsity of the allegations contained
in the fourth paragraph of the Complaint and, therefore, denies
them and demands strict proof thereof. Bell has no facilities
involved in any of the crossings and those facilities which it



maintains in the vicinity of the crossings have neither caused, nor contributed to cause, the unsafe or inadequate conditions stated in the Complaint.

5. Bell does not have sufficient information to form a belief as to the truth or falsity of the allegations contained in the fifth paragraph of the Complaint and, therefore, denies them and demands strict proof thereof. Bell has no facilities involved in any of the crossings and those facilities which it maintains in the vicinity of the crossings have neither caused, nor contributed to cause, the unsafe or inadequate conditions stated in the Complaint.

6. The sixth paragraph of the Complaint contains a statement of the relief sought and is not subject to admission or denial. However, for the reasons stated above, the relief sought, as against Bell, is without merit in law or in fact and should be denied.

WHEREFORE, Respondent prays that upon consideration the Complaint herein be dismissed.

The Bell Telephone Company
of Pennsylvania

By: K. S. Bosler

Donald F. Clarke, Esquire
W. Preston Granbery, Esquire
One Parkway
Philadelphia, PA 19102
Attorneys for
The Bell Telephone Company
of Pennsylvania

COMMONWEALTH OF PENNSYLVANIA)
) SS
COUNTY OF PHILADELPHIA)

KENNETH E. BOEHM , being duly sworn according to law, deposes and says that he is Vice President of The Bell Telephone Company of Pennsylvania; that he is authorized to and does make this affidavit for it; and that the facts set forth are true and correct to the best of his knowledge, information and belief, and he expects the said The Bell Telephone Company of Pennsylvania to be able to prove them at the hearing thereof.

K. E. Boehm

Sworn To And Subscribed
Before Me This *1st* Day
of *May* , 1980.

Rosemary V. Davis

ROSEMARY V. DAVIS
NOTARY PUBLIC, PHILA., PHILA. CO.
My Commission Expires Sept. 1, 1980

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the complainant of record in this proceeding, in accordance with the requirements of 1 Pa. Code §33.32 (relating to service by a participant).

Dated at Philadelphia, Pennsylvania this 1st day of May, 1980.

K. E. Boshun

Of Counsel for
THE BELL TELEPHONE COMPANY
OF PENNSYLVANIA

Pennsylvania Public Utility
Commission

1980

Complaint Docket No. C-80041953

In Re: Ralph D. Pratt, State
Representative

vs.

Baltimore and Ohio Rail-
road Co., et al

MOTION OF THE COUNTY OF
LAWRENCE FOR AMPLIFICATION
OF COMPLAINT

JAMISON, SELTZER, HARPER & LEONE

Attorneys & Counselors at Law

506A FIRST FEDERAL PLAZA

NEW CASTLE, PENNSYLVANIA 18101

JAMISON, SELTZER, HARPER & LEONE
Attorneys & Counselors at Law

ROBERT E. JAMISON
JOHN R. SELTZER
RICHARD A. HARPER
AUGUSTINE LEONE, JR.

506A FIRST FEDERAL PLAZA
NEW CASTLE, PENNSYLVANIA 16101

AREA CODE 412 652-0821 and 652-9231

May 2, 1980

RECEIVED

MAY 5 1980

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

SECRETARY'S OFFICE
Public Utility Commission

In Re: Complaint Docket No. C-80041953

Dear Mr. Thierfelder:

Please find enclosed herewith an original and two copies of Lawrence County's Motion for Amplification of the Complaint in the above docket.

Also enclosed is a Certificate of Service and my Notice of Appearance in this matter.

Sincerely,

JAMISON, SELTZER, HARPER & LEONE

By: 

Richard A. Harper
Lawrence County Solicitor

RAH/lkk

cc: Ralph D. Pratt
All Respondents

Enclosures

DOCUMENT
FOLDER

ORIGINAL

RECEIVED

MAY 5 1980

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE
Public Utility Commission

In Re: Ralph D. Pratt, State :
Representative, :
Complainant :

vs. :

Baltimore and Ohio :
Railroad Co.; Department :
of Transportation of the :
Commonwealth of PA; :
Borough of Ellwood City; :
Lawrence County; :
Pennsylvania Power :
Company; Western Penn- :
sylvania Water Company; :
Columbia Gas of Pennsyl- :
vania, Inc. and The Bell :
Telephone Company of :
Pennsylvania, :
Respondents :

Complaint Docket No. C-80041953

1980

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of Lawrence County.

I am authorized to accept service on behalf of said participant in this matter.

On the basis of this notice, I request a copy of each document hereafter issued by the Pennsylvania Public Utility Commission in this matter.

Richard A. Harper

Richard A. Harper, Esq.
Lawrence County Solicitor
506A First Federal Plaza
New Castle, PA 16101

Telephone: (412) 652-0821

DOCKETED
MAY 6 1980

DOCUMENT
FOLDER

ORIGINAL

BEFORE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

5-5-80

In Re: Ralph D. Pratt, State
Representative,
Complainant,

vs.

Baltimore and Ohio
Railroad Co.; Department
of Transportation of the
Commonwealth of PA;
Borough of Ellwood City;
Lawrence County;
Pennsylvania Power
Company; Western Penn-
sylvania Water Company;
Columbia Gas of Pennsyl-
vania, Inc. and The Bell
Telephone Company of
Pennsylvania,
Respondents

Complaint Docket No. C-80041953
1980

MOTION OF THE COUNTY OF LAWRENCE
FOR AMPLIFICATION OF COMPLAINT

The County of Lawrence believes the Complaint avers matters so insufficiently that an adequate answer is impossible. In Paragraphs Four and Six of the Complaint, Complainant repeatedly refers to "Respondent", a noun singular in number. Yet the Complaint has been filed against eight Respondents, a noun plural in number. The only Respondent which clearly was present at the March 19, 1979 meeting referred to in Paragraph Four is the Borough of Ellwood City. It is not at all clear which Respondent or Respondents have "rights-of-way and property" in the area, which one or ones are "responsible for the maintenance thereof", or which one or ones made assurances that improvements would be made by Fall, 1979.

DOCUMENT
FOLDER

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MAY 6 1980
L

The Complaint in its present form makes averments only as to one, unidentified Respondent. Further, the relief sought by the Complainant is sought against only one, unidentified Respondent. Without further specification of the allegations, if any, against each of the eight Respondents, Lawrence County cannot answer the averments contained in the Complaint.

WHEREFORE, Respondent Lawrence County respectfully requests pursuant to Commission Rule 3.151 that Paragraphs Four and Six of the Complaint in this docket be amplified by Complainant to specify which Respondent or Respondents are the subject of each individual allegation contained therein; and that Respondent Lawrence County be given twenty (20) days from the receipt of a sufficiently amplified Complaint in which to file an answer thereto.

Respectfully submitted,



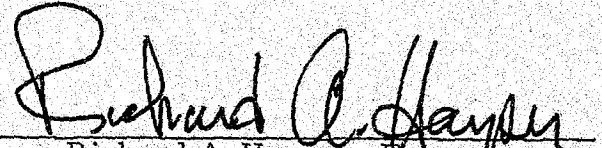
Richard A. Harper, Esq.
Lawrence County Solicitor

Dated: May 2, 1980

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record.

Dated: May 2, 1980


Richard A. Harper, Esq.
Lawrence County Solicitor

RALPH D. PRATT, ESQUIRE
MEMBER, 10TH DISTRICT
602 MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120
(717) 787-5475
3304 PLANK ROAD
NEW CASTLE, PENNSYLVANIA 16105
(412) 658-8000



COMMITTEES

BUSINESS AND COMMERCE
MINORITY CHAIRMAN, SUB-COMMITTEE ON
BANKING AND SAVINGS AND LOAN
ASSOCIATIONS
JUDICIARY
SUB-COMMITTEE ON CRIMES &
CORRECTIONS
SUB-COMMITTEE ON COURTS

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MAY 5 1980

SECRETARY'S OFFICE
Public Utility Commission

May 2, 1980

William P. Thierfelder, Secretary
Public Utility Commission
Commonwealth of Pennsylvania
118 North Office Building
Harrisburg, Pennsylvania 17120

Re: Complaint Docket No. 80041953 of 1980

Dear Secretary Thierfelder:

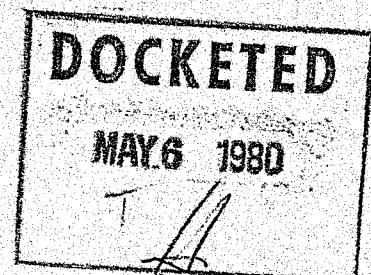
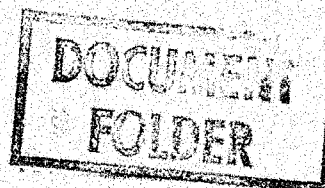
With reference to the above-captioned matter, I am hereby requesting that the words "The Chessie System" be deleted from my complaint as well as the parentheses around the words "Baltimore and Ohio Railroad Company." I was requested to do this by the Legal Counsel for the Baltimore and Ohio Railroad Company who has informed me that "The Chessie System" is really a nickname and not a legal entity. In order to keep the record straight, I was requested to delete the words "The Chessie System" and the parentheses around "Baltimore and Ohio Railroad Company." The true respondent in this matter is the Baltimore and Ohio Railroad Company.

If you have any questions concerning this request, please do not hesitate to contact me.

Very truly yours,

RALPH D. PRATT
Member - 10th District

RDP:km





American Water Works Service Co., Inc.
REGIONAL OFFICES · 250 MT. LEBANON BOULEVARD · PITTSBURGH, PENNSYLVANIA

MAY 13 8 01 AM '80

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION
12) 343-0400

ORIGINAL

May 9, 1980

File: 260-411

Mr. W. P. Thierfelder, Secretary
Pennsylvania Public Utility Commission
Commonwealth of Pennsylvania
P.O. Box 3265
Harrisburg, PA 17120

Re: Complaint of Ralph D. Pratt, State Representative, v. The Baltimore and Ohio Railroad Co.; Department of Transportation of the Commonwealth of PA; Borough of Ellwood City; Lawrence County; Pennsylvania Power Company; Western Pennsylvania Water Company; Columbia Gas of Pennsylvania, Inc., and The Bell Telephone Company of Pennsylvania
Complaint Docket No. C-80041953 (1980)

Dear Mr. Thierfelder:

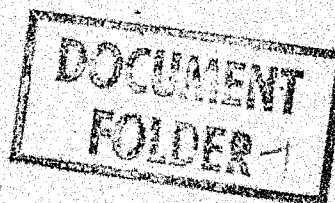
Enclosed for filing with the Commission is the original and three copies of the Answer to Complaint of Western Pennsylvania Water Company in the captioned matter. In addition, an identical number of copies of my Notice of Appearance on behalf of Western Pennsylvania Water Company is enclosed.

Copies of both of these documents have been served upon all parties of record.

Very truly yours,

William D. Frizlen
William D. Frizlen

WDF:mp
Enclosures 4
cc: G. C. Smith
C. H. Albert
Vault, w/encl.



ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAY 13 8 01 AM '80
RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

In Re: Ralph D. Pratt, State
Representative,

v.

Baltimore and Ohio Railroad Co.;
Department of Transportation of
the Commonwealth of PA; Borough
of Ellwood City; Lawrence County;
Pennsylvania Power Company;
Western Pennsylvania Water
Company; Columbia Gas of
Pennsylvania, Inc.; and The
Bell Telephone Company of
Pennsylvania

Complaint Docket No.
C-80041953

1980

DOCUMENT
FILED

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf
of Western Pennsylvania Water Company.

I am authorized to accept service on behalf of said participant
in this matter.

On the basis of this notice, I request a copy of each document
hereafter issued by the Pennsylvania Public Utility Commission in this matter.

DOCKETED
MAY 13 1980

William D. Frizlen
Signature

William D. Frizlen
Name (Printed)

P.O. Box 10449
250 Mt. Lebanon Boulevard
P. O. Address

(412) 343-0400
Telephone Number
(Including Area Code)

Pittsburgh, Pennsylvania 15234
City, State and Zip Code

ORIGINAL

MAY 13 8 01 AM '80

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

RALPH D. PRATT, State Representative)
)
 v.)
)
 BALTIMORE AND OHIO RAILROAD CO.,)
 DEPARTMENT OF TRANSPORTATION OF THE)
 COMMONWEALTH OF PA.; BOROUGH OF)
 ELLWOOD CITY; PENNSYLVANIA POWER)
 COMPANY; WESTERN PENNSYLVANIA WATER)
 COMPANY; COLUMBIA GAS OF PENNSYLVANIA,)
 INC.; AND THE BELL TELEPHONE COMPANY)
 OF PENNSYLVANIA)

Complaint Docket No.
C-80041953

1980

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FOLDER

DOCKETED
 MAY 13 1980
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ANSWER TO FORMAL COMPLAINT

NOW comes Respondent, WESTERN PENNSYLVANIA WATER COMPANY (Western Pennsylvania), and states and avers as follows:

1. Paragraph 1 of the Complaint does not require an answer.
2. Paragraph 2 of the Complaint does not require an answer.
3. Paragraph 3 of the Complaint does not require an answer.
4. Western Pennsylvania denies the averment in Paragraph 4 of the

Complaint that it met with the staff of the Pennsylvania Public Utility Commission, officials of the Borough of Ellwood City, and Complainant on March 19, 1979, to view certain described areas within the Borough of Ellwood City; as a matter of fact, Western Pennsylvania was not invited to attend this meeting and was not even aware of the fact that this meeting was to be held.

Western Pennsylvania further denies that it, at any time, entered into correspondence or conversations with the staff of the Pennsylvania

Public Utility Commission and Ellwood City officials regarding the subject matter of this Complaint and denies that it ever promised or agreed to make any improvements in the areas within the Borough of Ellwood City described in the Complaint.

5. Paragraph 5 of the Complaint deals primarily with the status and duties of Complainant and no answer is required in this connection. Western Pennsylvania denies that it has in any manner whatever caused or contributed to the cause of any hazardous conditions in the areas described in the Complaint.

6. Paragraph 6 of the Complaint requires no answer.

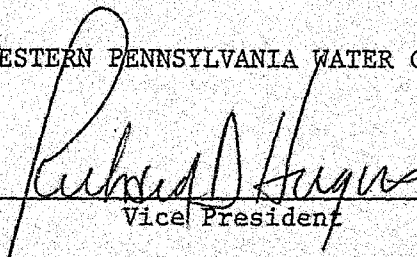
7. Western Pennsylvania avers that its only facility in the vicinity of the Second Street overpass is a 10-inch main located in a right of way on property of the Baltimore and Ohio Railroad Company, but that this main is located under the Second Street overpass. With respect to the Fifth Street underpass, Western Pennsylvania's only facility is a 4-inch main located in the roadway under the underpass. Western Pennsylvania's only facility in the vicinity of the Sixth Street crossing is a 4-inch main located in casing under such railroad crossing. Western Pennsylvania avers that none of these facilities in any way caused or contributed to the hazardous conditions complained of at these sites and that the improvement or repairs to the Baltimore and Ohio Railroad crossings mentioned above should not involve Western Pennsylvania's facilities in the vicinity of these locations.

For the reasons stated above, Western Pennsylvania disclaims any responsibility for the hazardous conditions, if any, cited by Complainant.

WHEREFORE, Respondent, Western Pennsylvania Water Company,
respectfully requests the Pennsylvania Public Utility Commission to dismiss
this Complaint against it.

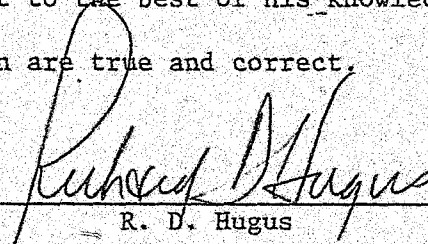
WESTERN PENNSYLVANIA WATER COMPANY

By


Vice President

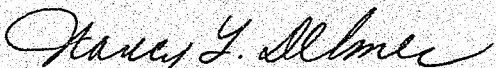
COMMONWEALTH OF PENNSYLVANIA :
:
COUNTY OF ALLEGHENY :

R. D. Hugus, being duly sworn, hereby states that he is a Vice President of Western Pennsylvania Water Company, that he is authorized to make this Answer on its behalf, and that to the best of his knowledge and belief the statements contained therein are true and correct.



R. D. Hugus

Sworn to and subscribed
before me this ytd day
of May, 1980.



Notary Public

My Commission Expires:

Nancy L. Delmer, Notary Public
Castle Shannon Borough, Allegheny County
My Commission Expires Aug. 30, 1982
Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I do hereby certify that I have this 9th day of May, 1980, served a copy of the foregoing Answer to Formal Complaint by mailing a copy thereof via regular U. S. Mail, postage prepaid to the following parties:

Ralph D. Pratt, Esquire
3304 Plank Road
New Castle, Pennsylvania 16105

Baltimore and Ohio Railroad
12 Grant Street
Pittsburgh, Pennsylvania 15219

Pennsylvania Department of Transportation
1200 Transportation and Safety Building
Harrisburg, Pennsylvania 17120

Borough of Ellwood City
Municipal Building
Ellwood City, Pennsylvania 16117

Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 16103

Columbia Gas of Pennsylvania, Inc.
200 North Mercer Avenue
New Brighton, Pennsylvania 15066

Bell Telephone Company of Pennsylvania
29 South Mercer Street
New Castle, Pennsylvania 16101


William D. Frizlen

Attorney for
Western Pennsylvania Water Company

250 Mt. Lebanon Boulevard
Pittsburgh, Pennsylvania 15234
(412) 343-0400

RALPH D. PRATT, ESQUIRE
MEMBER, 10TH DISTRICT
602 MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120
" (717) 787-5478



COMMITTEES
BUSINESS AND COMMERCE
MINORITY CHAIRMAN, SUB-COMMITTEE ON
BANKING AND SAVINGS AND LOAN
ASSOCIATIONS
JUDICIARY
SUB-COMMITTEE ON CRIMES &
CORRECTIONS
SUB-COMMITTEE ON COURTS

3304 PLANK ROAD
NEW CASTLE, PENNSYLVANIA 16105
(412) 658-8000

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

May 14, 1980

ORIGINAL

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

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

MAY 15 3 23 PM '80

Re: Complaint Docket No. C-800419533

Dear Secretary Thierfelder:

With reference to the above-captioned matter, please be advised that your office has misunderstood the caption of my complaint filed.

I recently received a copy of a Notice of Appearance and a Motion of the County of Lawrence for Amplification of Complaint, the original of which was filed with your office. I had no intentions of naming as a respondent the County of Lawrence. In the caption of my complaint, I named the Borough of Ellwood City as a respondent. The words Lawrence County were added to identify the location of the Borough of Ellwood City and not to add the County of Lawrence as an additional respondent. In my opinion, the County of Lawrence is not in any way involved in the substantive matter of the complaint which I filed.

I would appreciate it if you would delete the County of Lawrence as a respondent and notify the attorney representing the county, Richard A. Harper, Esquire, of the deletion. Thank you for your kind cooperation in this matter.

Sincerely,

RALPH D. PRATT
Member - 10th District

DOCUMENT
FOLDER

RDP:km

cc: Richard A. Harper, Esquire
Lawrence County Solicitor

DOCKETED
MAY 16 1980



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

May 15, 1980

IN REPLY PLEASE
REFER TO OUR FILE

C-80041953

Honorable Ralph D. Pratt
House of Representatives
Room 602 Main Capitol
Harrisburg, Pennsylvania 17120

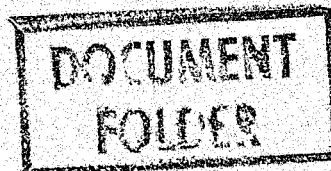
Dear Representative Pratt:

I informed Mr. Wayne Wilkie of our Information Control Division of your letter of May 14th. He will change our records to delete the County of Lawrence as a respondent and will notify appropriate parties in the Commission of the action he has taken.

Very truly yours,

WILLIAM P. THIERFELDER
Secretary

cc: Richard A. Harper, Esquire
Lawrence County Solicitor
c/o Jamison, Seltzer, Harper & Teave
506 A First Federal Plaza
New Castle, PA 16101





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

May 16, 1980

file

IN REPLY PLEASE
REFER TO OUR FILE

C-80041953

Richard A. Harper, Esquire
Lawrence County Solicitor
c/o Jamison, Seltzer, Harper & Teave
506 A First Federal Plaza
New Castle, PA 16101

Dear Sir:

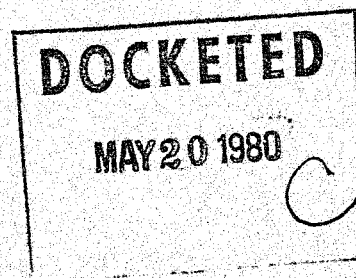
Whenever a complaint is made under Section 409 of the Public Utility Law that any crossing is dangerous or inadequate and requires reconstruction, relocation, alteration or abolition, all public utilities and municipal corporations concerned shall be made parties respondent.

As a matter of practice, the County involved in a crossing complaint is included as a party respondent, however, the county need not actively participate in the proceeding. Therefore, the County of Lawrence will remain a party respondent in order that the County may be informed of future developments in the proceeding.

Very truly yours,

William P. Thierfelder
Secretary

cc: Honorable Ralph D. Pratt
House of Representatives
Room 602 Main Capitol
Harrisburg, PA 17120



ORIGINAL

W. Preston Granbery
Attorney

The Bell Telephone Company
of Pennsylvania

Law Department

One Parkway
Philadelphia, Pennsylvania 19102
Phone: (215) 466-4717

May 21, 1980

RECEIVED

MAY 23 1980

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

SECRETARY'S OFFICE
Public Utility Commission

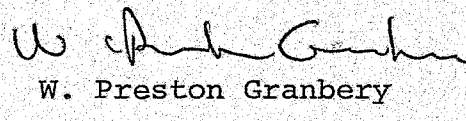
Re: Ralph D. Pratt, State Representative v.
Baltimore and Ohio Railroad Co.; Dept. of
Transportation of The Commonwealth of
Pennsylvania; Borough of Ellwood City;
Lawrence County; Pa. Power Co.; Western
Penna. Water Co.; Columbia Gas of Pennsyl-
vania, Inc.; and The Bell Telephone
Company of Pennsylvania - C-80041953

Dear Mr. Thierfelder:

Enclosed herewith for filing with the Commission are the original and three copies of Praecipe for Appearance in the above referenced matter.

I request that all further pleadings and other documents in this matter be served on me at the above address.

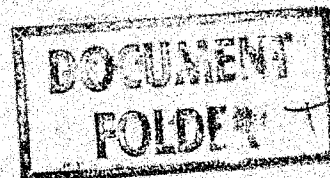
Very truly yours,


W. Preston Granbery

/ecp

Enclosures

cc: All parties of record.



ORIGINAL

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAY 23 1980

SECRETARY'S OFFICE
Public Utility Commission

RALPH D. PRATT, STATE
REPRESENTATIVE

Complainant

v.

BALTIMORE AND OHIO RAILROAD
CO.; DEPARTMENT OF TRANS-
PORTATION OF THE COMMONWEALTH
OF PENNSYLVANIA; BOROUGH OF
ELLWOOD CITY; LAWRENCE COUNTY;
PENNSYLVANIA POWER CO.;
WESTERN PENNSYLVANIA WATER CO.;
COLUMBIA GAS OF PENNSYLVANIA,
INC.; and THE BELL TELEPHONE
COMPANY OF PENNSYLVANIA,

Respondents

COMPLAINT DOCKET
NO. C-80041953

DOCUMENT
FOLDER

PRAECIPE FOR APPEARANCE

Please enter my appearance as attorney for The Bell
Telephone Company of Pennsylvania.

I am authorized to accept service on behalf of said
participant in this matter.

DOCKETED
MAY 23 1980

W. Preston Granbery
W. Preston Granbery

Attorney for
THE BELL TELEPHONE COMPANY
OF PENNSYLVANIA
One Parkway, 16th floor
Philadelphia, PA 19102

May 21, 1980

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code §33.32 (relating to service by a participant).

Dated at Philadelphia, Pennsylvania this 21th day of May, 1980.

W. Paul Gentry

Of Counsel for
THE BELL TELEPHONE COMPANY
OF PENNSYLVANIA

BOROUGH OF ELLWOOD CITY

525 LAWRENCE AVENUE

ELLWOOD CITY, PENNSYLVANIA 16117

JACK SNARE, MAYOR

LAWRENCE COUNTY

PHONE (412) 758-5576

C-80041953
Huff

MAY 30 8 53 AM '80
RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

May 28, 1980

Mr. Nicholas S. Yovanovic
Attorney for the B & O Railroad Co.
Terminal Tower
P. O. Box 6419
Cleveland, Ohio 44101

BUREAU OF
JUN 2 1980
RAIL
TRANSPORTATION

Dear Mr. Yovanovic:

In regard to your letter to the PUC dated May 13, 1980, the Borough of Ellwood City will cooperate fully while the Chessie System repairs sections of railroad tracks at our Fourth Street and Sixth Street crossings.

If traffic has to be re-routed, please notify us in advance so that the proper warning signs can be properly installed.

We are in dire need of these repairs, and your cooperation pertaining to this matter would be greatly appreciated.

Sincerely,

Gregory Ferrese
Gregory Ferrese
Borough Manager

GF/dmw

- cc: Borough Council
- Police Chief
- Skip Hulick
- Mr. William Thierfelder, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

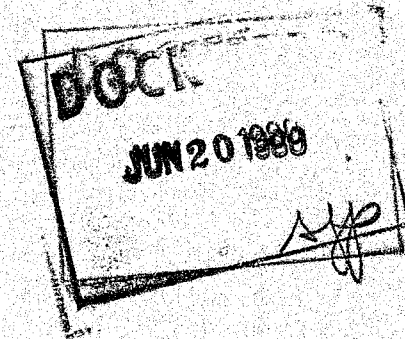
DOCUMENT
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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

June 18, 1980

IN REPLY PLEASE
REFER TO OUR FILE

C-80041953



*Assigned
allegation field
+ partial records field*

Gordon E. Neuenschwander, Vice President
& General Counsel
The Pittsburgh & Lake Erie Railroad Company
324 P&LE Terminal Building
Pittsburgh, Pennsylvania 15219

Ralph D. Pratt, State Representative
v.

The Baltimore and Ohio Railroad Company, Department of
Transportation of the Commonwealth of Pennsylvania, Borough
of Ellwood City, Lawrence County, Pennsylvania Power Company,
Western Pennsylvania Water Company, Columbia Gas of Pennsylvania,
Inc., The Bell Telephone Company of Pennsylvania and The Pittsburgh
& Lake Erie Railroad Company.

Dear Mr. Neuenschwander:

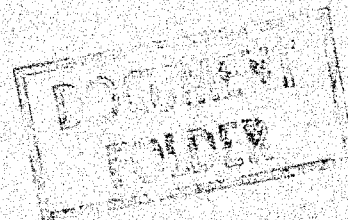
It has been determined that The Pittsburgh & Lake Erie
Railroad Company is now a party respondent to the above entitled
complaint, and accordingly we are enclosing copy of the complaint
as filed, along with notice requiring your answer thereto within
20 days.

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

Enclosure



June 18, 1980

Carbon Copies of Letter:

D.W. Blasche, District Manager
Columbia Gas of Pennsylvania
1405 McFarland Road
Pittsburgh, Pennsylvania 15216

G.C. Smith, President
Western Pennsylvania Water Company
c/o American Water Works Service Company, Inc.
P.O. Box 10449
250 Mt. Lebanon Boulevard
Pittsburgh, Pennsylvania 15234

Ray E. Semmler, President
Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 16103

Frank G. Verterano
Court House, Court Street
New Castle, Pennsylvania 16101

Nick Frisk, Jr.
113 Fifth Street
Ellwood City, Pennsylvania 16117

C.E. Heck, Division Manager
Chessie System
12 Grant Street
Pittsburgh, Pennsylvania 15219

Raymond F. Scully, Vice President & General Counsel
The Bell Telephone Company of Pennsylvania
One Parkway
Philadelphia, Pennsylvania 19102

Honorable Ralph D. Pratt
House of Representatives
Room 602 - Main Capitol
Harrisburg, Pennsylvania 17120

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

Office of Administrative Law Judge
Bureau of Rail Transportation
Law Bureau

CKG:sjp

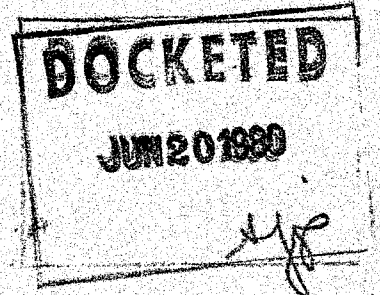
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

June 18, 1980

IN REPLY PLEASE
REFER TO OUR FILE

C-80041953

Gordon E. Neuenschwander, Vice President
& General Counsel
The Pittsburgh & Lake Erie Railroad Company
324 P&LE Terminal Building
Pittsburgh, Pennsylvania 15219



Dear Mr. Neuenschwander:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Ralph D. Pratt, State Representative.

(the complaining party)

To defend yourself against the claims stated in the following pages, you must act within twenty (20) days, by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission with twenty (20) days.

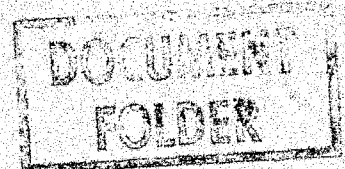
IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

AN ADMINISTRATIVE LAW JUDGE MAY REVOKE OR SUSPEND ANY CERTIFICATE OR PERMIT HELD BY YOU, OR IMPOSE A FINE, OR ANY OTHER APPROPRIATE PENALTY OR REMEDY AUTHORIZED BY THE PUBLIC UTILITY CODE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

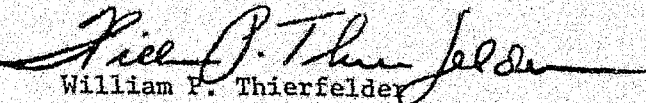
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, Pennsylvania 17108
(800) 692-7375



Very truly yours,


William P. Thierfelder
Secretary

Attachment

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ralph D. Pratt, State Representative

v.

Complaint Docket
No. C-80041953

the Baltimore & Ohio Railroad Company, Department
of Transportation of the Commonwealth of Pa.,
borough of Ellwood City, Lawrence County, Pa. Power
Company, Western Pennsylvania Water Company, Columbia
Gas of Pennsylvania, Inc., The Bell Telephone Co.
of Pa. and The Pittsburgh & Lake Erie Railroad Co.

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

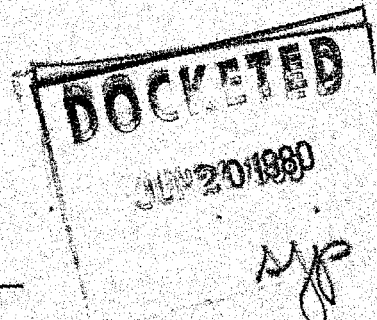
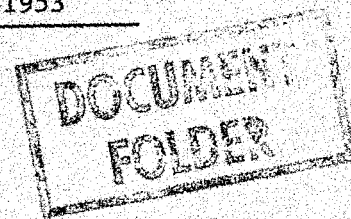
TO: Mr. Gordon E. Neuenschwander

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. Section 702 of the Public Utility Code, 66 Pa.C.S. §702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant.

2. If you fail to either satisfy this complaint or to file an answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 35.35 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §35.35. In that event, an Administrative Law Judge of the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy

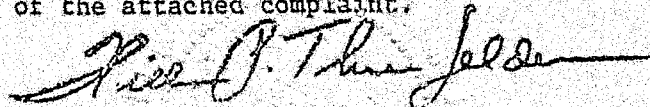


authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint will be dismissed by an Administrative Law Judge in accordance with Section 703(a) of the Public Utility Code, 66 Pa.C.S. §703(a), unless the Judge determines that such dismissal would be contrary to the public interest, in which event he may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, an Administrative Law Judge will, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Administrative Law Judge is not limited to the relief sought by the complainant in paragraph 4. of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in this complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa.C.S. §101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4. of the attached complaint.



William P. Thierfelder
Secretary

(SEAL)

June 18, 1980

ORIGINAL

RALPH D. PRATT, ESQUIRE
MEMBER, 10TH DISTRICT
602 MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120
(717) 787-5475

3304 PLANK ROAD
NEW CASTLE, PENNSYLVANIA 16105
(412) 658-8000



COMMITTEES

- BUSINESS AND COMMERCE
- MINORITY CHAIRMAN, SUB-COMMITTEE ON BANKING AND SAVINGS AND LOAN ASSOCIATIONS
- JUDICIARY
- SUB-COMMITTEE ON CRIMES & CORRECTIONS
- SUB-COMMITTEE ON COURTS

**HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG**

June 18, 1980

RECEIVED

JUN 20 1980

SECRETARY
Public Utility C.

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

Re: Docket No. C-80041953

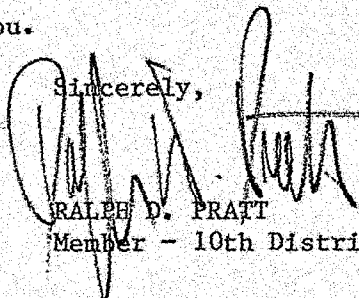
Dear Secretary Thierfelder:

Would you please advise as to the procedure to add as a party respondent an additional party. As a complainant in the above-referenced docket number, I recently learned that the Pittsburgh and Lake Erie Railroad, Pittsburgh, Pennsylvania, owns and operates three sets of rail lines at the crossings in question which are the subjects of the complaint herein.

If this can be done by letter, then I hereby request that the Public Utility Commission add as an additional respondent the Pittsburgh and Lake Erie Railroad with corporate offices in Pittsburgh, Pennsylvania. The purpose for adding this party as an additional respondent is due to the fact that the Pittsburgh and Lake Erie Railroad owns and maintains certain rail lines adjacent to the B & O Railroad Company which is a respondent in this matter which is pending before the Public Utility Commission. The Pittsburgh and Lake Erie Railroad lines are involved in the particular issues regarding railroad crossings at three locations in the Borough of Ellwood City, Lawrence County.

Please advise and thank you.

Sincerely,


RALPH D. PRATT
Member - 10th District

DOCKETED

JUN 20 1980

RDP:km

**DOCUMENT
FOLDER**



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

June 23, 1980

IN REPLY PLEASE
REFER TO OUR FILE

C-80041953

ORIGINAL

To All Parties of Interest

Ralph D. Pratt, State Representative
v.

The Baltimore and Ohio Railroad Company,
Pennsylvania Department of Transportation,
Borough of Ellwood City, Lawrence County,
Pennsylvania Power Company, Western Pennsyl-
vania Water Company, Columbia Gas of Pennsyl-
vania, Inc., The Bell Telephone Company of
Pennsylvania and The Pittsburgh and Lake Erie
Railroad Company

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION
JUN 23 3 41 PM '80

Dear Sirs:

The attached document has been filed by Commission Staff pursuant to Section 308 of the Public Utility Code, 66 Pa. C.S. §308. Personnel listed in the Notice of Intention to Participate should be included as parties to the above captioned proceeding and should receive copies of any subsequent filings.

Sincerely yours,

John J. Gallagher
John J. Gallagher
Assistant Counsel

JJG:sls

Attachment

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

C-80041953 -

Ralph D. Pratt, State Representative
v.
The Baltimore and Ohio Railroad Company,
Pennsylvania Department of Transportation,
Borough of Ellwood City, Lawrence County,
Pennsylvania Power Company, Western Pennsyl-
vania Water Company, Columbia Gas of Pennsyl-
vania, Inc., The Bell Telephone Company of
Pennsylvania and The Pittsburgh and Lake Erie
Railroad Company

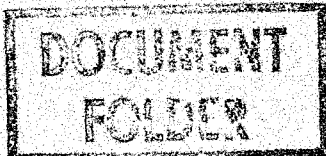
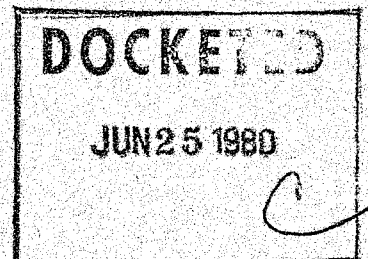
COMMISSION STAFF
NOTICE OF INTENTION TO PARTICIPATE

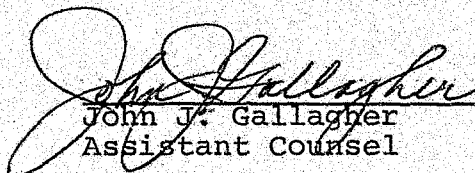
Staff of the Pennsylvania Public Utility Commission hereby provides notice of its intent to participate in the above captioned matter. Such participation is pursuant to authority contained in Section 308 of the Public Utility Code, 66 Pa. C.S. §308.

All communications concerning this Notice should be addressed as follows and the following individuals should be included in the Commission's official service list.

John J. Gallagher, Assistant Counsel
Pa. P.U.C. - Law Bureau
P.O. Box 3265
Harrisburg, Pennsylvania 17120

William W. Huff
Pa. P.U.C. - Bureau of Transportation
Railroad Division
P.O. Box 3265
Harrisburg, Pennsylvania 17120




John J. Gallagher
Assistant Counsel

CERTIFICATE OF SERVICE

I hereby certify that I am this 23rd day of June, 1980, serving by first class mail the foregoing document upon the persons listed below:

Gordon E. Neuenschwander, Vice President
and General Counsel
The Pittsburgh & Lake Erie Railroad Company
324 P&LE Terminal Building
Pittsburgh, Pennsylvania 15219

D. W. Blasche, District Manager
Columbia Gas of Pennsylvania
1405 McFarland Road
Pittsburgh, Pennsylvania 15216

G. C. Smith, President
Western Pennsylvania Water Company
c/o American Water Works Service Company, Inc.
P.O. Box 10449
250 Mt. Lebanon Boulevard
Pittsburgh, Pennsylvania 15234

Ray E. Semmler, President
Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 16103

Frank G. Verterano
Court House, Court Street
New Castle, Pennsylvania 16101

Nick Frisk, Jr.
113 Fifth Street
Ellwood City, Pennsylvania 16117

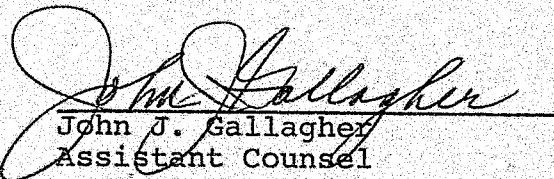
C. E. Heck, Division Manager
Chessie System
12 Grant Street
Pittsburgh, Pennsylvania 15219

Raymond F. Scully, Vice President and General Counsel
The Bell Telephone Company of Pennsylvania
One Parkway
Philadelphia, Pennsylvania 19102

Honorable Ralph D. Pratt
House of Representatives
Room 602 - Main Capitol
Harrisburg, Pennsylvania 17120

Ward T. Williams, Deputy Attorney General
Pennsylvania Department of Transportation
Transportation & Safety Building
Room 521
Harrisburg, Pennsylvania 17120

Administrative Law Judge Joseph P. Matuschak
Pennsylvania Public Utility Commission
97 E. Main Street
Uniontown, Pennsylvania 15401


John J. Gallagher
Assistant Counsel

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
JUNE 24, 1980

In re: C-80041953

(See attached list)

Ralph D. Pratt, State Representative
versus

The Baltimore and Ohio Railroad Company, Department of Transportation of the Commonwealth of Pennsylvania, Borough of Ellwood City, Lawrence County, Pennsylvania Power Company, Western Pennsylvania Water Company, Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania

Dear Sir:

This letter is to inform you that a hearing on the above captioned case will be held Thursday, August 14, 1980 at 10:00 a.m. in the Auditorium, Second Floor, Municipal Building, 525 Lawrence Avenue, Ellwood City.

The purpose of this hearing is, among other things, to receive testimony into the record regarding the condition of, and any plans or proposals for rehabilitation of (1) Second Street crossing, above grade, of tracks of The Baltimore and Ohio Railroad Company; (2) Fifth Street crossing, below grade, of tracks of The Baltimore and Ohio Railroad Company and The Pittsburgh and Lake Erie Railroad Company; and (3) Sixth Street crossing, at grade, the tracks of The Baltimore and Ohio Railroad Company and The Pittsburgh and Lake Erie Railroad Company, all in the Borough of Ellwood City, Lawrence County.

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.

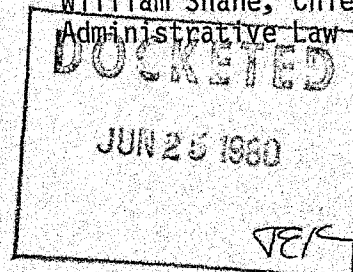
Administrative Law Judge Joseph P. Matuschak will be the presiding officer in this case. Judge Matuschak's telephone number is (412) 437-3409. His address is 97 East Main Street, Uniontown, Pennsylvania 15401.

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



cc: Judge Matuschak
Law Bureau
Bureau of Rail Transportation
Mr. Bramson
Ms. Long
Ms. Lawrence
File Room

Ralph D. Pratt, Esquire
3304 Plank Road
New Castle, PA 16105

Richard A. Harper, Solicitor
Lawrence County
506-A First Federal Plaza
New Castle, PA 16101

Stephen L. Feld, Attorney
Pennsylvania Power Company
One East Washington Street
New Castle, PA 16103

W. U. Jacoby, Attorney
Columbia Gas of Pa., Inc.
99 North Front Street
Columbus, Ohio 43215

W. Preston Granbery, Attorney
The Bell Telephone Co. of Pa.
One Parkway, 16th Floor
Philadelphia, PA 19102

William D. Frizlen, Attorney
Western Pa. Water Company
250 Mt. Lebanon Boulevard
Pittsburgh, PA 15234

Nick Frisk, Jr., Solicitor
Borough of Ellwood City
113 Fifth Street
Ellwood City, PA 16117

Nicholas S. Yovanovic, Attorney
The Baltimore & Ohio Railroad Co.
P.O. Box 6419
Cleveland, Ohio 44101

Robert W. Cunliffe, Deputy
Attorney General
Pa. Dept. of Transportation
521 Transportation & Safety Bldg.
Harrisburg, PA 17120

Gordon E. Neuenschwander, Vice
President
Pittsburgh & Lake Erie Railroad Co.
324 P&LE Terminal Building
Pittsburgh, PA 15219

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
JUNE 24, 1980

In re: C-80041953

Ralph D. Pratt, Esquire
3304 Plank Road
New Castle, PA 16105

Ralph D. Pratt, State Representative
versus

The Baltimore and Ohio Railroad Company, Department of Transportation of the Commonwealth of Pennsylvania, Borough of Ellwood City, Lawrence County, Pennsylvania Power Company, Western Pennsylvania Water Company, Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania

Dear Sir:

This letter is to inform you that a hearing on the above captioned case will be held Thursday, August 14, 1980 at 10:00 a.m. in the Auditorium, Second Floor, Municipal Building, 525 Lawrence Avenue, Ellwood City.

The purpose of this hearing is, among other things, to receive testimony into the record regarding the condition of, and any plans or proposals for rehabilitation of (1) Second Street crossing, above grade, of tracks of The Baltimore and Ohio Railroad Company; (2) Fifth Street crossing, below grade, of tracks of The Baltimore and Ohio Railroad Company and The Pittsburgh and Lake Erie Railroad Company; and (3) Sixth Street crossing, at grade, the tracks of The Baltimore and Ohio Railroad Company and The Pittsburgh and Lake Erie Railroad Company, all in the Borough of Ellwood City, Lawrence County.

It will be necessary for you to publish the enclosed notice once during each of the weeks of July 28 and August 4, 1980, in a newspaper having a general circulation in the area involved. Proof of publication must be received in the office of the Secretary of the Commission, on or before the date of hearing.

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.

Administrative Law Judge Joseph P. Matuschak will be the presiding officer in this case. Judge Matuschak's telephone number is (412) 437-3409. His address is 97 East Main Street, Uniontown, Pennsylvania 15401.

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

NOTICE TO BE PUBLISHED

NOTICE is hereby given that a complaint having been filed with the Pennsylvania Public Utility Commission alleging that respondent's Second Street and Sixth Street crossings are in a state of disrepair and that the Fifth Street crossing has poor surface water drainage and corroding bridge paint or coating are creating hazards to vehicular traffic, in the Borough of Ellwood City, Lawrence County, which proceeding is entitled "Ralph D. Pratt, State Representative versus The Baltimore and Ohio Railroad Company, Department of Transportation of the Commonwealth of Pennsylvania, Borough of Ellwood City, Lawrence County, Pennsylvania Power Company, Western Pennsylvania Water Company, Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania " (C-80041953), the Commission has fixed Thursday, August 14, 1980, at 10:00 A.M., in the Auditorium, Second Floor, Municipal Building, 525 Lawrence Avenue, Ellwood City, Pennsylvania, as the time and place for hearing.

All parties interested may appear and be heard in person or by counsel.

S/

Ralph D. Pratt, Esquire

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
JUNE 24, 1980

In re: C-80041953

Richard A. Harper, Solicitor
Lawrence County
506-A First Federal Plaza
New Castle, PA 16101

Ralph D. Pratt, State Representative
versus

The Baltimore and Ohio Railroad Company, Department of Transportation of the Commonwealth of Pennsylvania, Borough of Ellwood City, Lawrence County, Pennsylvania Power Company, Western Pennsylvania Water Company, Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania

Dear Sir:

This letter is to inform you that a hearing on the above captioned case will be held Thursday, August 14, 1980 at 10:00 a.m. in the Auditorium, Second Floor, Municipal Building, 525 Lawrence Avenue, Ellwood City.

There appears to be some question as to whether or not the County of Lawrence should be a party to this proceeding, and until such time as the question is positively resolved, we strongly urge you to attend the hearings to protect the county's possible involvement.

The purpose of this hearing is, among other things, to receive testimony into the record regarding the condition of, and any plans or proposals for rehabilitation of (1) Second Street crossing, above grade, of tracks of The Baltimore and Ohio Railroad Company; (2) Fifth Street crossing, below grade, of tracks of The Baltimore and Ohio Railroad Company and The Pittsburgh and Lake Erie Railroad Company; and (3) Sixth Street crossing, at grade, the tracks of The Baltimore and Ohio Railroad Company and The Pittsburgh and Lake Erie Railroad Company, all in the Borough of Ellwood City, Lawrence County.

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.

Administrative Law Judge Joseph P. Matuschak will be the presiding officer in this case. Judge Matuschak's telephone number is (412) 437-3409. His address is 97 East Main Street, Uniontown, Pennsylvania 15401.

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

1. Borough of Ellwood City submit testimony describing accurately the location of the existing railroad-highway crossings involved in this proceeding.
2. Borough of Ellwood City submit testimony describing in detail the type, width of pavement, existence of sidewalks, alignment, grades and general physical condition of the highway approaches to the three crossings involved in this proceeding.
3. Borough of Ellwood City describe in detail the type of the existing crossings; said description to include the width and type of roadway and the existence of walkways for pedestrians.
4. Borough of Ellwood City submit testimony in regard to the general physical condition of the three involved crossings and state, in its opinion, the cause of any deficiencies thereon.
5. Borough of Ellwood City state whether it has performed an in-depth inspection of the involved bridges or has prepared any engineering studies, estimates or construction plans for any improvement of the highways at the involved crossings and, if so, submit copies thereof into the record and, if not, state whether it will agree to do so.
6. Borough of Ellwood City state whether it has any facilities, such as storm sewers, sanitary sewers and water lines, in the vicinity of any of the involved crossings.
7. Borough of Ellwood City state whether the involved Second Street bridge is posted for a maximum weight limit.
8. Borough of Ellwood City submit testimony as to the approximate daily volume of vehicular and pedestrian traffic normally using the highways at the three crossings, together with anticipated future vehicular and pedestrian traffic.
9. Borough of Ellwood City submit testimony in regard to the type of railroad crossing warning protection presently provided at the involved Sixth Street crossing, at grade, and whether, in its opinion, said protection is adequate.
10. Borough of Ellwood City submit testimony regarding the number, cause, location and frequency of any accidents which may have occurred on the crossings and their approaches within the past five years, and the features of the crossings and the approaches as may relate to the safety of the motor vehicle and pedestrian users, and any other information or testimony which it considers relevant thereto.

11. Borough of Ellwood City state its present obligation with respect to maintenance of the existing crossings and the highway approaches thereto.
12. Borough of Ellwood City submit testimony in regard to the maintenance and improvement it has performed on the crossings and approaches during the preceding five years, together with the approximate dates and costs of any such work.
13. Borough of Ellwood City 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 costs of said work that it will agree to bear and what portion, if any, should be borne by each of the other parties. (The answer shall be specific as to the reasons for its suggested allocation)
14. Borough of Ellwood City state whether, in its opinion, the involved crossings are necessary for the service, accommodation and convenience to the traveling public, or whether any of the crossings can be abolished and the highway closed to all traffic in the vicinity of said crossing.
15. Department of Transportation submit testimony regarding the name, route number, general location and termini of the State highways involved in this proceeding.
16. Department of Transportation submit testimony describing in detail the type, width of pavement, alignment, grades and general physical condition of the approaches to the State highway crossings involved in this proceeding.
17. Department of Transportation submit testimony describing the general type of the existing bridge carrying Second Street over the tracks, including the number of spans, principal dimensions and roadway width, together with the date and purpose of its construction.
18. Department of Transportation submit accurate data concerning the present and future highway traffic, including a breakdown as to truck traffic, at the State highway crossings involved in this proceeding.
19. Department of Transportation state whether the involved bridge carrying Second Street is presently posted for a maximum weight limit.
20. Department of Transportation submit testimony as to whether the involved Second Street bridge is adequate in strength and physical dimensions and the involved Fifth Street crossing is adequate to accommodate safely the class and volume of traffic normally using the highways at said locations and, if not, submit testimony regarding the general nature and extent of all work it deems advisable to provide safe and convenient crossings thereat.

21. Department of Transportation submit answers to Questions Nos. 4, 5, 11, 12, 13 and 14 above.
22. The Baltimore and Ohio Railroad Company submit testimony as to the exact corporate name of the owner and of the operator of the lines of railroads involved in this proceeding.
23. The Baltimore and Ohio Railroad Company submit testimony as to the number of tracks presently located at the sites of the involved crossings; the volume, class and approximate speed of all trains operated daily over its tracks; and whether any changes to its operations are anticipated in the foreseeable future.
24. The Baltimore and Ohio Railroad Company submit testimony describing the general type and condition of the existing bridge carrying its tracks above Fifth Street, including the number of spans and principal dimensions, together with the date and purpose of its construction.
25. The Baltimore and Ohio Railroad Company submit testimony in regard to the complainant's allegations that a hazard exists to vehicular and pedestrian traffic at the Fifth Street crossing due to surface water draining from the railroad unto the street and sidewalks and due to the erosion of the paint on the structural steel; that a hazard exists at the Sixth Street crossing due to the general deterioration; and that a hazard exists at the Second Street crossing due to holes in the bridge.
26. The Baltimore and Ohio Railroad Company submit testimony regarding the general nature and extent of all work the company deems advisable to provide safe and convenient crossings at the subject locations.
27. The Baltimore and Ohio Railroad Company submit answers to Questions Nos. 5, 9, 11, 12, 13, 14 and 17 above.
28. The Pittsburgh and Lake Erie Railroad Company submit answers to Questions Nos. 5, 9, 11, 12, 13, 14, 22, 23, 24, 25 and 26 above.
29. County of Lawrence submit answers to Questions Nos. 5, 11, 12, 13, 14 and 20 above.
30. The Bell Telephone Company of Pennsylvania, Western Pennsylvania Water Company, Columbia Gas of Pennsylvania, Inc. and Pennsylvania Power Company and any other non-carrier public utility each state whether it has facilities at or within the general area of the crossings and, if so, describe said facilities and state whether it will agree to assume the cost and expense of altering, relocating or reconstructing its facilities in the event the Commission directs that work be done at the crossings and on the approaches thereto.
31. Query whether any of the interested parties desire to submit any additional relevant testimony.

DOCUMENTED

JUN 25 1980

WMC

June 25, 1980

C-80041953

Ralph D. Pratt, Esquire
Member, 10th District
602 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Sir:

This will advise you that The Pittsburgh and Lake Erie Railroad Company has been made an additional respondent to the above entitled proceeding on June 18, 1980.

Very truly yours,

for William P. Thierfelder
Secretary

DOCUMENT
FOLDER

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JUL 14 9 54 AM '80

C-80041953

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Ralph D. Pratt, State Representative

v.

The Baltimore and Ohio Railroad Company,
Pennsylvania Department of Transportation,
Borough of Ellwood City, Lawrence County,
Pennsylvania Power Company, Western
Pennsylvania Water Company, Columbia Gas
of Pennsylvania, Inc., The Bell Telephone
Company of Pennsylvania, and The Pittsburgh
and Lake Erie Railroad Company

DOCUMENT
FOLDER

DOCKETED

JUL 14 1980

C

ANSWER TO COMPLAINT

COMES NOW Respondent, The Pittsburgh and Lake Erie Railroad Company, by its attorney, Richard A. Porach, Esq., and answers the Complaint herein as follows:

1. The allegations contained in Paragraph 1 of the Complaint are admitted.
2. The allegations contained in Paragraph 2 of the Complaint are admitted.
3. The allegations contained in Paragraph 3 of the Complaint are admitted.
4. The allegations contained in Paragraph 4 of the Complaint are answered as follows:

Respondent, The Pittsburgh and Lake Erie Railroad Company, is without information sufficient to form a belief as to the truth of the allegations that a meeting and viewing was held on March 19, 1979, and this allegation is deemed denied and strict proof thereof is demanded.

Respondent, The Pittsburgh and Lake Erie Railroad Company, denies the allegations contained in Paragraph 4 to the extent that they imply that this Respondent has total maintenance responsibility for these crossings.

Respondent, The Pittsburgh and Lake Erie Railroad Company, denies the allegations contained in Paragraph 4 that the crossings are damaged to such an extent as to create a hazard to the public.

By way of further answer, Respondent, The Pittsburgh and Lake Erie Railroad Company, specifically avers:

By Public Utility Commission Order of September 3, 1963, at Complaint Docket No. 17665, the maintenance of the crossing at Second Street is the responsibility of the Borough of Ellwood City and the Baltimore and Ohio Railroad Company. Respondent, The Pittsburgh and Lake Erie Railroad Company, is to reimburse The Baltimore and Ohio Railroad Company 15% of its maintenance cost. The Pittsburgh and Lake Erie Railroad Company owns only a right of way (no tracks) in the vicinity of this crossing. An inspection on June 23, 1980, revealed no holes in the roadway pavement or the sidewalks.


By Agreement dated August 7, 1911, Respondent, The Pittsburgh and Lake Erie Railroad Company, is to reimburse The Baltimore and Ohio Railroad Company 25% of its maintenance cost at the Fifth Street crossing. The Pittsburgh and Lake Erie Railroad Company does not own the property or the bridge structure at this location. An inspection on June 23, 1980, revealed the drain gutters to be in satisfactory condition and no damage to sidewalks.

Although some paint was peeling off, the load carrying capacity of the structure has not been affected.

Respondent, The Pittsburgh and Lake Erie Railroad Company, owns three of the nine tracks at the Sixth Street crossing. The asphalt surface on The Pittsburgh and Lake Erie Railroad Company's crossings was repaired on June 20, 1980. An inspection on June 23, 1980, revealed the asphalt surface and rails at The Pittsburgh and Lake Erie Railroad Company's tracks to be in satisfactory condition.

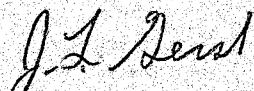
5. The allegation contained in Paragraph 5 of the Complaint that Complainant is a member of the Pennsylvania House of Representatives is admitted. The remaining allegations of Paragraph 5 are denied.

WHEREFORE, Respondent, The Pittsburgh and Lake Erie Railroad Company, respectfully requests that the within Complaint be dismissed as to it.


Richard A. Porach
Attorney for Respondent, The
Pittsburgh and Lake Erie Railroad
Company.

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

J.L. Gerst, being duly sworn according to law, deposes and says that he is Chief Engineer of The Pittsburgh and Lake Erie Railroad Company; that he is authorized to and does make this affidavit for it; and that the facts set forth above are true and correct to the best of his knowledge, information and belief and he expects the said The Pittsburgh and Lake Erie Railroad Company to be able to prove the same at such hearing hereof as may be held.



J.L. Gerst (SEAL)

Sworn to and subscribed before me
this 10th day of July, 1980



Notary Public

TERRI D. STEGNER, NOTARY PUBLIC
WHITEHALL BORO, ALLEGHENY COUNTY
MY COMMISSION EXPIRES MAR. 16, 1981
Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Answer to Complaint, by first class United States Mail, upon Complainant, Ralph D. Pratt, 3304 Plank Road, New Castle, Pennsylvania 16105.

Dated at Pittsburgh, Pennsylvania, this 10th day of July, 1980.

Richard A. Perach

ORIGINAL

THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY

JUL 14 9 54 AM '80

GORDON E. NEUENSCHWANDER
EXECUTIVE VICE PRESIDENT
& GENERAL COUNSEL

G. EDWARD YURCON
ASSISTANT GENERAL COUNSEL

RICHARD A. PORACH
ATTORNEY

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

324 P&LE TERMINAL BUILDING
PITTSBURGH, PA. 15219
PHONE (412) 261-3201

July 10, 1980

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

Re: Ralph D. Pratt, State Representative v. The
Pittsburgh and Lake Erie Railroad Company, et al.
No. C-80041953

Dear Mr. Thierfelder:

Enclosed is an original and two copies of Respondent, The Pittsburgh and Lake Erie Railroad Company's Answer to the Complaint in the above matter. A copy has been served on Complainant.

Very truly yours,

Richard A. Porach
Richard A. Porach

RAP:ts

enclosures

cc: Ralph D. Pratt



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
JULY 22, 1980

In re: C-80041953

(See attached list)

Ralph D. Pratt, State Representative
versus

The Baltimore and Ohio Railroad Company, Department of Transportation of the Commonwealth of Pennsylvania, Borough of Ellwood City, Lawrence County, Pennsylvania Power Company, Western Pennsylvania Water Company, Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania

Dear Sir:

Under date of June 24, 1980 you were informed of hearing to be held in the above referenced proceeding Thursday, August 14, 1980, at 10:00 a.m., in the Auditorium, Second Floor, Municipal Building, 525 Lawrence Avenue, Ellwood City.

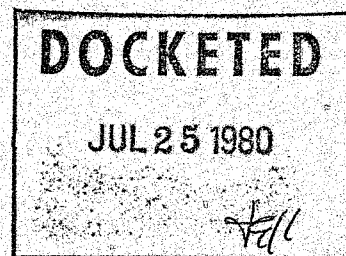
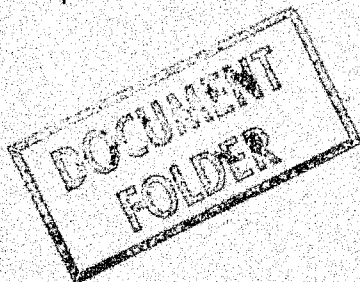
Please be advised that this hearing will proceed as scheduled; however, the presiding officer has been changed from Administrative Law Judge Joseph Matuschak to Administrative Law Judge Michael A. Nemeč. Judge Nemeč can be contacted at the Buhl Building, Third Floor, 204 Fifth Avenue, Pittsburgh, Pennsylvania; telephone (412) 565-3550.

Will you please mark your records accordingly.

Sincerely,

William Shane, Chief
Administrative Law Judge

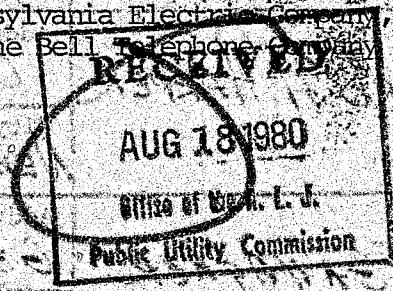
cc: Judge Nemeč
Judge Matuschak
Law Bureau
Bureau of Rail Transportation
Mr. Bramson
Ms. Long
Ms. Lawrence
File Room



Docket No. C-80041953

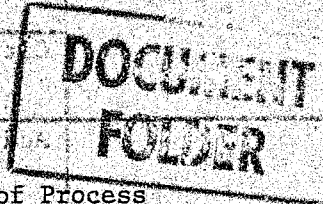
In re: Ralph D. Pratt, State Representative versus The Baltimore and Ohio Railroad Company, Department of Transportation of the Commonwealth of Pennsylvania, Borough of Ellwood City, Lawrence County, Pennsylvania Power Company, Western Pennsylvania Electric Company, Columbia Gas of Pennsylvania, Inc. and The Bell Telephone Company of Pennsylvania

Pennsylvania
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 Ellwood City, PA

on Thursday, August 14, 1980



Please Print Clearly
Incomplete Information May Result in Delay of Process

NAME	ADDRESS	APPEARING FOR
State Rep. Ralph D. Pratt	602 Capitol Bldg Harrisburg PA 17120 City State Zip	Complainant
BENJAMIN B. WECHSLER	1209 STATE OFFICE BLDG PITTSBURGH PA 15222 City State Zip	PENNA. DEPT. OF TRANSPORTATION
Edward L. Marie, Jr	432 Fountain Ave Ellwood City PA 16117 City State Zip	Borough of Ellwood City
Richard A. Borach	324 PALE Term Bldg. Pgh., Pa. 15219 City State Zip	Pittsburgh & Lake Erie R.R. Co.

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



Arden Stigler
Reporter

B

Steven D. Clark

City Cleveland Ohio Zip 44111

Ohio (Per)

STEPHEN L. FELD

Address EAST WASHINGTON

PENN POWER

City CHESTER State PA Zip 1603

RICHARD A. HARPER

Address COURTHOUSE

LAWRENCE COUNTY

City NEWCASTLE State Pa Zip 16101

JOHN J GALLAGHER

Address 631 N office Bldg

P. O. C. TRIAL STAFF

City HARRISBURG State PA Zip 17120

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

AUG 21 1980

C-80041953

AGREEMENT

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MADE this seventh day of August, 1911, between the BALTIMORE & OHIO RAILROAD COMPANY, a Maryland corporation, hereinafter termed the "Baltimore Company", and the ELLWOOD SHORT LINE RAILROAD COMPANY, a corporation of the State of Pennsylvania, hereinafter termed the "Ellwood Company", parties of the first part, and the PITTSBURGH & LAKE ERIE RAILROAD COMPANY, a corporation of the State of Pennsylvania, hereinafter termed the "Lake Erie Company", and the BEAVER & ELLWOOD RAILROAD COMPANY, a corporation of the State of Pennsylvania, hereinafter termed the "Beaver Company", parties of the second part,

WITNESSETH:

WHEREAS, in all respects the parties of the first part shall together constitute one party to this agreement, and the parties of the second part shall together constitute the other party to this agreement; and

WHEREAS, the Ellwood Company and the Beaver Company heretofore entered into a certain agreement dated June 4, 1898, relating to the maintenance, repair and use of certain tracks and passenger station facilities at Ellwood City, Pennsylvania, including the crossing east of Fifth Street; and

WHEREAS, the Baltimore Company and the Lake Erie Company heretofore entered into a certain agreement dated May 1, 1905, modifying the said agreement dated June 4, 1898 in certain respects as therein set forth; and

WHEREAS, this present agreement is supplemental to said agreements dated June 4, 1898 and May 1, 1905, both of which remain in full force and effect except as hereby expressly modified; and

WHEREAS, The Baltimore Company operates the Pittsburgh and Western Railroad Company and through it operates the Ellwood Company, and

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WHEREAS, the Lake Erie Company operates the Beaver Company; and
WHEREAS, the Ellwood Company owns certain land at Ellwood City,
Lawrence County, Pennsylvania, on which a passenger station is erected
and upon which it is intended that a new passenger station, platforms,
etc. shall be erected in accordance with this agreement and the plans
hereinafter enumerated and which plans are made a part hereof, it
being estimated that said station, platforms, etc. will cost approx-
imately twenty thousand dollars (\$20,000); and

WHEREAS, in accordance with said plans hereinafter enumerated
a subway is to be constructed by the Baltimore Company on Fifth Street
in the Borough of Ellwood City under the track of the Beaver Company
and the tracks of the Ellwood Company at a cost of approximately sixty
thousand dollars (\$60,000), one-half of which cost is to be paid by
the Baltimore Company and the remainder is to be paid by the Borough
of Ellwood City:

NOW, THEREFORE, it is agreed as follows:

FIRST: The Baltimore Company at its own expense will construct
said passenger station, platforms, etc., in substantial accordance with
the plans hereinafter enumerated. The Lake Erie Company will pay to the
Baltimore Company a sum equal to two and one-half per cent ($2\frac{1}{2}$) interest
per annum on the total cost of said passenger station, platforms, etc.,
and a further sum equal to two and one-half per cent ($2\frac{1}{2}$) interest per
annum on the value of the ground used in connection with said passenger
station, which value, for the purposes of this agreement, is fixed at
twenty thousand (\$20,000.00) dollars, and which ground is shown
enclosed by green tint on plan No. 1193 hereinafter mentioned; and

WHEREAS, as shown on plan No. 8698 hereinafter mentioned, there
are four steam railroad tracks crossing said Fifth Street, one of
which tracks is used exclusively by the Lake Erie Company, that
Company does further agree that it will pay to the Baltimore Company
a sum equal to five per cent interest per annum on one-fourth of the
Baltimore Company's proportion of the total cost of said subway, viz:

if the Baltimore Company pays \$30,000 as its proportion of the cost of the subway, the Lake Erie Company will pay to the Baltimore Company a sum equal to five per cent (5%) interest per annum on \$7500; the Lake Erie Company agrees, in addition, to pay to the Baltimore Company, from time to time, one-fourth of the cost of maintaining said subway and keeping the same in proper repair and condition.

All of the above mentioned payments shall be made in monthly installments from date of completion of said improvements.

SECOND: The Lake Erie Company shall have the right to use said station and the platforms in front thereof as a place of waiting and for loading and unloading passengers and their baggage at such station. Two ticket offices shall be provided, as shown upon the plan hereinafter enumerated, one ticket office to be occupied and used by the Baltimore Company and the other at its option by the Lake Erie Company. The Baltimore Company shall employ, pay and control its own ticket agents and clerks connected with its ticket office and the Lake Erie Company at its option shall employ, pay and control its own ticket agents and clerks connected with its ticket office. The use of the station building, grounds and platforms, except as to ticket offices as above set forth, shall be in common between both parties hereto, but the trains, engines and cars of the parties of the second part shall not be allowed to use the tracks in front of the passenger station while the passenger trains of the parties of the first part are standing at said station, it being intended and agreed that the parties of the first part shall have the prior and superior right to the use of the platforms and the space between the passenger station and their main tracks in order that passengers to and from the passenger trains of the parties of the first part may have free and unobstructed access to said station, platforms and trains.

The Baltimore Company shall control, operate and maintain the said passenger station, platforms, etc., shall control, employ and pay

employees necessary for the purpose (except the salaries of the ticket agents and clerks connected with the ticket offices, which are to be paid by the Baltimore Company and the Lake Erie Company, respectively, as above stated) shall pay all expenses of maintenance, heating, lighting and otherwise keeping the passenger station, platforms and grounds in good order, condition and repair and shall pay all premiums of insurance and all taxes, municipal charges and assessments which may be lawfully levied or assessed upon said station and appurtenances or upon the land whereon the same may be constructed. The Lake Erie Company shall pay to the Baltimore Company in monthly installments one-half of all expenses incurred by the latter in the operation, maintenance, repairs, heating, lighting, etc., of the station, platforms and grounds, including one-half of the salaries of all employees employed by the Baltimore Company for the purposes aforesaid and one-half of all premiums of insurance, taxes, municipal charges and assessments above mentioned; the Baltimore Company shall render to the Lake Erie Company monthly statements of said expenses.

In case of the destruction of said station by fire or other causes the same shall be rebuilt or replaced by the Baltimore Company and the cost thereof shall be borne and paid by the Baltimore Company and the Lake Erie Company jointly. Any moneys received from insurance upon the premises shall be applied to the rebuilding or replacing of same.

THIRD: The plans above referred to are more particularly described as bearing following file numbers and dates:

No. 8698, Oct. 21, 1910.

" 8699, " 21, " - Revised July 6, 1911.

" 8700, " 21, "

~~Specimen part of No. 8700, Oct. 21, 1910.~~

No. 14837, Oct. 7, 1910.

" 7954, Dec. 20, "

" 1183, May 20, 1907

" 8701, Oct. 21, 1910 - Revised July 6, 1911.

Said plans to be further identified by the signatures of the Chief

Engineers of the parties to this agreement, said plans to be filed with the Secretaries of said parties of the first and second part.

1898, are hereby cancelled and made null and void, viz:

Paragraph Second of said agreement which begins with the words:-

"Second: For and upon the payment of a monthly rental of ten (\$10) dollars" and ends with the words "and keep the same in good order at its own expense;"

Also the third section of paragraph Sixth of said agreement which is as follows:

"In case damage occurs to either party through the joint negligence of the employees of the parties hereto, neither party shall have recourse against the other, but if damage occurs to third persons through such joint negligence, then the same shall be divided."

In lieu of the above quoted third section of paragraph Sixth of said agreement dated June 4, 1898, it is agreed as follows:

In case any damage occurs to either party hereto through the joint negligence of the employees of both parties hereto or through the negligence of any employee whose salary or wages are jointly paid by the parties hereto, neither party shall have recourse against the other for such damage, but if damage through such negligence is occasioned to third persons, then the same shall be divided between and paid by both parties hereto jointly. This provision, however, shall not apply to damages covered by paragraph "Fourth" of said agreement, dated May 1, 1905.

FIFTH: It is intended and agreed that this agreement and all rights and duties hereby created shall be perpetual and remain in force forever, and shall be binding upon and enure to the benefit of the parties hereto, their successors, lessees and assigns, respectively.

IN WITNESS WHEREOF, each of the parties hereto have caused this agreement to be executed by their proper officers and their corporate seals to be hereunto affixed the day and year first above written, Executed in duplicate.

(S E A L)

BALTIMORE AND OHIO RAILROAD COMPANY,

Attest:

By (sgd) D. Willard

(Sgd) C. W. Woolford

President.

R. H.
E. A. P. (S E A L)
P. D.
H. R. M. Attest:
J. D. McC.

ELLWOOD SHORT LINE RAILROAD COMPANY.

By (sgd) W. M. Kennedy,

Vice President.

(sgd) C. W. Woolford,

Secretary.

Approved, (sgd)
J. A. Atwood,
Chief Engineer.

(S E A L)

PITTSBURGH AND LAKE ERIE RAILROAD COMPANY.

By (sgd) J. M. Schoonmaker,

Vice President.

(sgd) W. M. Doulin

Assistant Secretary.

Approved, (sgd)

(S E A L)

BEAVER AND ELLWOOD RAILROAD COMPANY.

By (sgd) J. M. Schoonmaker

Attest:

(sgd) E. H. Kennedy

President,

Secretary.

Approved, (sgd)
J. B. Yohe,
General Manager.

Approved:

F. L. S.

Chief Engineer.

H. R. P.

Approved

(sgd) A. W. Thompson

General Manager.

Granting the Ellwood Power Company the right and privilege to erect and maintain poles and wires for the purpose of conducting and distributing electric current for power purposes, over and along certain streets and alleys of the Borough of Ellwood City, Lawrence County, Pa.

SECTION 1- Be it enacted and ordained by the Town Council of the Borough of Ellwood City, Lawrence County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, that the Ellwood Power Company, a corporation organized and existing under the laws of the State of Pennsylvania, and having its principal place of business in Ellwood City, Pennsylvania, its successors and assigns, is hereby granted the right and privilege to enter upon and construct and erect its poles and wires, and maintain the same, for the purpose of conveying and distributing electric current for power purposes, over and along the following streets and alleys, to-wit:

Starting from the eastern intersection of Glen Avenue and Pittsburgh Circle, thence west along Glen Avenue to Sixth Street, thence south along Sixth Street to the corner of the alley on the west side of Sixth Street between the railroad crossing and Lawrence Avenue, thence west along said alley to Eighth Street, thence north along Eighth Street to Factory Avenue, thence west along Factory Avenue to the Borough line.

Starting from the corner of Glen Avenue and Fifth Street, thence south along Fifth Street to Spring Avenue, thence west along Spring Avenue to Sixth Street.

Starting from the corner of Glen Avenue and Second Street, thence south along Second Street to the Borough line.

Starting from the corner of Second Street and Park Avenue, thence east along Park Avenue to the railroad siding.

Starting from the corner of Second Street and Franklin Avenue, thence east along Franklin Avenue to Railroad Siding.

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Penn Power Exhibit 3

SECTION 2- The said poles and wires to be erected and maintained in accordance with Section Two, Three and Four of Borough Ordinance No.45, entitled: "Providing for the erection and maintenance of Telephone and Telegraph Poles", to-wit:

Section 2- "All poles shall be placed under the direction of the Borough Engineer, or otherwise, as Council may direct. No poles shall be placed before any door or window of any house, except where unavoidable. Council reserves the right to direct that any poles erected under the provisions of this Ordinance may also be used for any reasonable purpose, upon proper compensation being made to the owner of the poles; provided, always, that such purpose or use shall not interfere with the wires of the Ellwood Power Company."

Section 3- "All poles shall be shaved and painted, and the poles must be as straight as possible."

Section 4- That any Ordinance, or part of Ordinance, conflicting with the provisions of this ordinance, be, and the same are hereby repealed, so far as the same affects this Ordinance."

SECTION 3-- The Grant of the rights and privileges aforesaid is upon condition that the poles and wires of said Company, its successors and assigns, shall not be used for the purpose of furnishing electric lights to the said Borough, or to dwellings, or to private persons residing therein.

Adopted and enacted by the Town Council of the Borough of Ellwood City, Lawrence County, Pennsylvania, the 17th day of November, A.D. 1903.

Attest:

Leech A. Grove,
Secretary.

R. T. Brown,
President.

Examined and approved this 17th day of November, A.D. 1903.

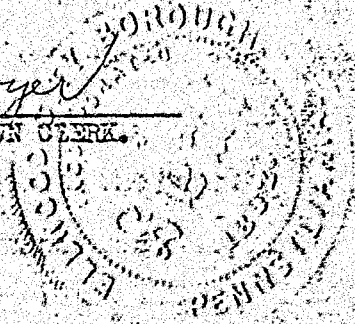
R. C. Stiefel,
Burgess.

I hereby certify the foregoing to be a true and correct copy of Ordinance No.123, as the same appears of record in the Ordinance Book of the Town Council of the Borough of Ellwood City, Pa.

Witness my hand and seal of said Borough, this twenty-sixth day of March-1912.

E. B. Moyer

TOWN CLERK.



Borough of Ellwood City, SS.

I hereby certify that the above ordinance was duly passed by the Town Council of the Borough of Ellwood City, Lawrence County Pennsylvania on the 17th day of November A. D. 1903; was presented to and duly approved by the Burgess and signed by him on the 17th day of November A. D. 1903; that the same was duly published in the Ellwood Citizen a newspaper printed in said Borough in the County of Lawrence in its issue of Friday November 20th A. D. 1903 and by not less than twelve advertisements put up in the most public places in said Borough on the 23rd day of November A. D. 1903.

Witness my hand and the corporate seal of said Borough this 24th day of November A. D. 1903.

Leech A. Grove, Secretary.

I hereby certify the above to be a true and correct copy of a certificate recorded in the Ordinance Book of the Borough of Ellwood City, Pa., immediately following the recording of Ordinance No. 128, enacted and approved the 17th day of November 1903, and to which this certificate refers.

Witness my hand and the seal of the Borough of Ellwood City, Pa., this 26th day of March 1912.

E. B. Meyer

Town Clerk.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Buhl Building, 3rd Floor
204 Fifth Avenue
Pittsburgh, PA 15222

ORIGINAL

OCT 6 10 06 AM '83

SECRET
PUBLIC UTILITY
COMMISSION

October 2, 1980

ALL PARTIES OF RECORD

Re: Ralph D. Pratt, State Representative
v.
The Baltimore & Ohio Railroad Company
et al., C-80041953

At the conclusion of the August 14, 1980, hearing in the above case, ALJ Clements asked all parties to review the late filed exhibits and the transcript prior to deciding whether any additional hearing is necessary. Various parties have submitted late filed exhibits but a statement as to costs allocation (Tr. 100) and sets of the photographs marked as exhibits (Tr. 152) have not yet been received from Elwood City.

Any party desiring to request an additional hearing, submit late filed exhibits or file a brief should do so within thirty (30) days of the date of this Notice. Any request for an additional hearing should provide specific reasons and an outline of the evidence proposed to be submitted. Any briefs should be filed and served as follows: An original and 14 copies to the Secretary of the Pennsylvania Public Utility Commission, one copy to each party of record and the ALJ. Reply Briefs, if any Main Briefs are filed, will be due forty (40) days after the date of this Notice.



Michael A. Nemecek
Administrative Law Judge

MAN/rjb
cc William R. Shane
John Clements
William P. Thierfelder, Secretary

See Attached List

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OCT 7 1980
H

PARTIES OF RECORD

Ralph D. Pratt, Esq.
602 Capitol Bldg.
Harrisburg, PA 17120

Benjamin B. Wechsler, Esq.
1209 State Office Bldg.
Pittsburgh, PA 15222

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1 East Washington
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New Castle, PA 16101

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631 North Office Bldg.
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