

BOROUGH OF ELLWOOD CITY

525 LAWRENCE AVENUE

ELLWOOD CITY, PENNSYLVANIA 16117

ORIGINAL

GREGORY FERRESE
BOROUGH MANAGER

LAWRENCE COUNTY

PHONE (412) 758-5576

SEP 17 8 46 AM '81

MARY ANN FLEO
BOROUGH SECRETARY

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

September 14, 1981

C. 80041953

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

Dear Mr. Thierfelder:

Enclosed are two copies and an original of a Petition for Clarification of Opinion and Order, requesting that the PUC clarify its order dated April 3, 1981.

Copies of this Petition have already been sent on August 21st to the following:

Gordon E. Neuenschwander, V.P. and General Counsel,
The Pittsburgh & Lake Erie Railroad Co.

D. W. Blasche, District Manager, Columbia Gas of Pennsylvania

G. C. Smith, President, Western Pennsylvania Water Company

Richard A. Harper, Lawrence County Solicitor

Steven B. Garfunkel, Attorney, B & O Railroad Company

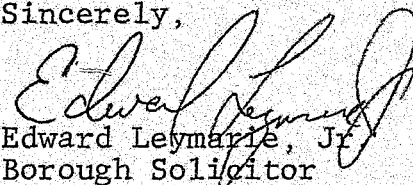
Raymond F. Scully, V.P. and General Counsel, Bell Telephone

Honorable Ralph D. Pratt

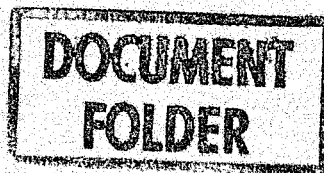
Ward T. Williams, Deputy Attorney General PennDOT

A quick response would be greatly appreciated.

Sincerely,


Edward Leymarie, Jr.
Borough Solicitor

dmw



ORIGINAL

SEP 17 8 46 AM '81

Ralph D. Pratt, State Representative

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

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 and Lake Erie Railroad
Company.

PETITION FOR CLARIFICATION OF OPINION AND ORDER

NOW COMES the Borough of Ellwood City and respectfully
asks the Public Utility Commission to clarify its order of
April 3, 1981.

(1) On September 3, 1963, the Public Utility
Commission filed an order in which paragraph 21 required the
Borough of Ellwood City, at its sole cost and expense, to
furnish all material and do all work necessary thereafter to
maintain the curbs, sidewalks and railings located along each
side of the roadway on both approaches to the existing Second
Street Bridge.

(2) That the Baltimore and Ohio Railway, pursuant
to said order, was to maintain, at its sole cost and expense,
the curbs, sidewalks and railings between the approaches on the
Second Street Bridge.

DOCUMENT
FOLDER

DOCKETED
SEP 17 1981

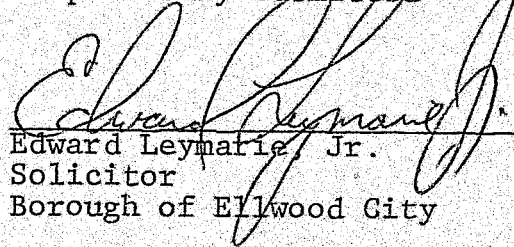
(3) On April 3, 1981, the Public Utility Commission, in the within action, ordered, in Paragraph 4:

"That the Borough of Ellwood City, as is its responsibility under Paragraph 21 of the September 3, 1963 order, at its sole expense shall provide to this Commission complete plans to repair, strengthen or replace the sidewalks and sidewalk railings on the Second Street overpass within 90 days after this Opinion and Order becomes final."

(4) That this order needs clarification or modification, and that it does not specifically state that the Borough of Ellwood City is only responsible for the curbs, sidewalks and railings located on the approaches to the Second Street Bridge.

WHEREFORE, it is requested that the Public Utility Commission clarify or modify its order of April 3, 1981, so that it may be consistent with its previous order of September 3, 1963.

Respectfully submitted



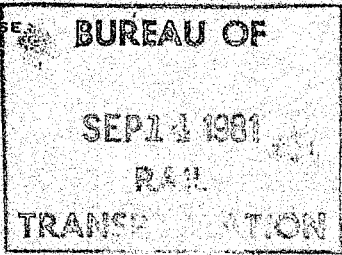
Edward Leymarie, Jr.
Solicitor
Borough of Ellwood City

BOROUGH OF ELLWOOD CITY

525 LAWRENCE AVENUE

ELLWOOD CITY, PENNSYLVANIA 16117

GREGORY FERRESE
BOROUGH MANAGER



LAWRENCE COUNTY
PHONE (412) 758-5576

MARY ANN FLEO
BOROUGH SECRETARY

September 10, 1981

8004 1953

Mr. William Huff
Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

RECEIVED
SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION
SEP 16 10 03 AM '81

Dear Mr. Huff:

Enclosed is a copy of Petition for Clarification of Order, which we forwarded to the PUC on August 21, 1981. To our knowledge, no action has been taken on the within petition.

Sincerely,

E. J. Leymarie, Jr.
Edward Leymarie, Jr.,
Solicitor
Borough of Ellwood City

EL/dmw

Encl.

DOCUMENT
FOLDER

Ralph D. Pratt, State Representative

C-80041953

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 and Lake Erie Railroad
Company

EXTRA COPY

PETITION FOR CLARIFICATION OF OPINION AND ORDER

NOW COMES the Borough of Ellwood City and respectfully asks the Public Utility Commission to clarify its order of April 3, 1981.

(1) On September 3, 1963, the Public Utility Commission filed an order in which paragraph 21 required the Borough of Ellwood City, at its sole cost and expense, to furnish all material and do all work necessary thereafter to maintain the curbs, sidewalks and railings located along each side of the roadway on both approaches to the existing Second Street Bridge.

(2) That the Baltimore and Ohio Railway, pursuant to said order, was to maintain, at its sole cost and expense, the curbs, sidewalks and railings between the approaches on the Second Street Bridge.

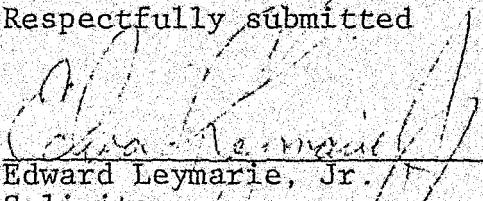
(3) On April 3, 1981, the Public Utility Commission, in the within action, ordered, in Paragraph 4:

"That the Borough of Ellwood City, as is its responsibility under Paragraph 21 of the September 3, 1963 Order, at its sole expense, shall provide to this Commission complete plans to repair, strengthen or replace the sidewalks and sidewalk railings on the Second Street overpass within 90 days after this Opinion and Order becomes final."

(4) That this Order needs clarification or modification, and that it does not specifically state that the Borough of Ellwood City is only responsible for the curbs, sidewalks and railings located on the approaches to the Second Street Bridge.

WHEREFORE, it is requested that the Public Utility Commission clarify or modify its order of April 3, 1981, so that it may be consistent with its previous order of September 3, 1963.

Respectfully submitted



Edward Leymarie, Jr.
Solicitor
Borough of Ellwood City

CERTIFICATE OF SERVICE

I hereby certify that I am, this 21st day of August, 1981, 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

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

Steven B. Garfunkel, Attorney
Baltimore and Ohio Railroad Company
P. O. Box 6419 - Terminal Tower
Cleveland, Ohio 44101

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

Honorable Ralph D. Pratt
328A Main Capitol Building
Harrisburg, Pennsylvania 17120

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