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March 5, 2020

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

In re: City of Uniontown v. Southwest Pennsylvania Railroad, et al.
Docket No. C-2020-3017829

Dear Secretary Chiavetta:

Please find enclosed a Response to Preliminary Objections and Reply to New Matter filed by the City of Uniontown relating to the railroad lines of Southwest Pennsylvania Railroad crossing Beeson Avenue in the above-referenced matter. The enclosed documents were recently filed with the Pennsylvania Public Utilities Commission electronically. Copies have been served by email and regular mail to Administrative Law Judges DeVoe and Long and the parties of record. Copies have been served by regular mail to Columbia Gas of Pennsylvania, Pennsylvania American Water Company, Verizon, Atlantic Broadband Enterprise, LLC, and West Penn Power Company.

Very truly yours,

Timothy J. Witt

TJW:clm

Enclosures

Cc: Emily I. DeVoe, Administrative Law Judge
Mary D. Long, Administrative Law Judge
Eric M. Hocky, Esquire
Kayla L. Rost, Esquire
Gina D'Alfonso, Esquire

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

City of Uniontown,	:	
Complainant,	:	Complaint Docket
v.	:	
	:	Docket No. C-2020-3017829
Southwest Pennsylvania Railroad Company,	:	
Pennsylvania Department of Transportation,	:	
and Fayette County,	:	
Respondents.	:	

**RESPONSE TO PRELIMINARY OBJECTIONS OF SOUTHWEST PENNSYLVANIA
RAILROAD COMPANY TO COMPLAINT OF THE CITY OF UNIONTOWN**

AND NOW comes, the City of Uniontown (the “City”), by and through its attorneys, and files this Response to Preliminary Objections of Southwest Pennsylvania Railroad Company to Complaint of the City of Uniontown and states as follows:

1. This City acknowledges that its Complaint alleges that the crossing is dangerous and inadequate and requires abolition.
2. The City further notes that beyond alleging the dangerous and inadequate condition of the crossing, its Complaint alleges that the crossing should be abolished in conformity with the representations made to the Surface Transportation Board by the Southwest Pennsylvania Railroad in order to obtain approval for its abandonment exemption.
3. After a diligent inquiry, the City has determined that the following utilities have or may have rights of way, facilities, infrastructure, or otherwise operate within the subject portion of Beeson Avenue and the crossing identified in the City’s Complaint:

Columbia Gas of Pennsylvania
121 Champion Way Suite 100
Canonsburg, PA 15317

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Pennsylvania American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Verizon
900 Race Street
6th Floor
Philadelphia, PA 19107

Atlantic Broadband Enterprise, LLC
2 Batterymarch Park, Suite 205
Quincy, MA 02169

West Penn Power Company
800 Cabin Hill
Greensburg, PA 15601

4. The City has sent a copy of the Complaint, as filed, to each of the above utilities at the address listed above to provide notice of these proceedings.

WHEREFORE, the City requests that the Commission deny the preliminary objections of the Southwest Pennsylvania Railroad.

Respectfully Submitted,




Timothy J. Witt, Esquire
Solicitor, City of Uniontown
Attorney ID No. 308914
720 Vanderbilt Road
Connellsville, PA 15425
timwitt@wmblaw.com

DATED: March 4, 2020

VERIFICATION

I, Kimberly Marshall, City Clerk of the City of Uniontown, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/4/20



Kimberly Marshall
City Clerk
City of Uniontown

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

City of Uniontown,	:	
Complainant,	:	Complaint Docket
v.	:	
	:	Docket No. C-2020-3017829
Southwest Pennsylvania Railroad Company,	:	
Pennsylvania Department of Transportation,	:	
and Fayette County,	:	
Respondents.	:	

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Response to Preliminary Objections** dated March 4, 2020, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).


Service by First Class Mail:

Honorable Emily I. DeVoe Administrative Law Judge Pennsylvania Public Utility Commission 301 Fifth Avenue Suite 220, Piatt Place Pittsburgh, PA 15222	Honorable Mary D. Long Administrative Law Judge Pennsylvania Public Utility Commission 301 Fifth Avenue Suite 220, Piatt Place Pittsburgh, PA 15222
Eric M. Hocky, Esquire Clark Hill PLC 2005 Market Street Suite 1000 Philadelphia, PA 19103	Kayla L. Rost, Esquire Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120
Gina M. D'Alfonso, Esquire Pennsylvania Department of Transportation Office of Chief Counsel P.O. Box 8212 Harrisburg, PA 17105-8212	Verizon 900 Race Street 6 th Floor Philadelphia, PA 19107
Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055	Columbia Gas of Pennsylvania 121 Champion Way Suite 100 Canonsburg, PA 15317

Atlantic Broadband Enterprise, LLC
2 Batterymarch Park, Suite 205
Quincy, MA 02169

West Penn Power Company
800 Cabin Hill
Greensburg, PA 15601

Respectfully,



Timothy J. Witt, Esquire
Solicitor, City of Uniontown
Attorney ID No. 308914
720 Vanderbilt Road
Connellsville, PA 15425
timwitt@wmblaw.com

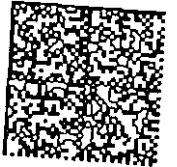
DATED: March 4, 2020

WATSON MUNDORFF & SEPIC, LLP
ATTORNEYS AT LAW
720 Vanderbilt Road
Connellsville, Pennsylvania 15425-6218

To: Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

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