

LAWRENCE M. LUDWIG, ESQUIRE

238 Vassar Avenue
Clarks Green. PA 18411
(570) 586-6817

March 18, 2020

Via U.S. Priority Mail and via email to rchiavetta@pa.gov

PA Public Utility Commission
Commonwealth Keystone Bldg 2nd Fl
400 North Street
Harrisburg, PA 17120

RE: Schwartz v. Canadian Pacific Railroad et al
C-2011-2237486; P-2011-2241780

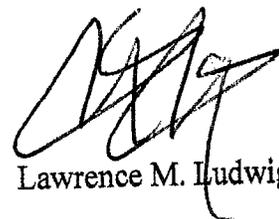
Dear Commission:

Reference is made to the Secretarial Letter dated March 4, 2020 issued in the above-referenced matter.

Please find enclosed Mr. Schwartz's Petition for Reconsideration from Staff Action for filing.

If you have any questions or wish to discuss any aspect of the matter, kindly contact me at your earliest convenience. Thank you for your professional courtesy

Very truly yours,



Lawrence M. Ludwig

cc: Rosemary Chiavetta, Secretary
cc: Rhonda L. Daviston, Ass't Counsel
Tiffany L. Tran, Ass't Counsel
cc: Gina M. D'Alfonso, Senior Counsel
cc: Robert J. Kopacz, Ass't Chief Counsel
cc: Benjamin C. Dunlap, Jr., Esq.
cc: Joseph A. O'Brien, Esquire
cc: Donald J. Frederickson, Jr., Esquire
cc: David J. Gromelski, Esquire

PENNSYLVANIA PUBLIC UTILITY COMMISSION

A. EDWARD SCHWARTZ,

P-2011-2241780

v.

C-2011-2237486

CANADIAN PACIFIC RAILROAD and PA
DEPARTMENT OF TRANSPORTATION ET AL

PETITION FOR RECONSIDERATION FROM STAFF ACTION

Petitioner A. Edward Schwartz, by and through his attorney, Lawrence M. Ludwig, Esquire, respectfully requests the Pennsylvania Public Utility Commission (the "Commission") to reconsider the Staff action in issuing the Secretarial Letter dated March 4, 2020 in the above-captioned matter, averring under oath as follows:

1. Petitioner A. Edward Schwartz ("Petitioner" or "Schwartz") is a competent adult, residing at Raintree Farm, LaPlume Township, Lackawanna County, Pennsylvania, with a mailing address at RD # 4, Box 52, Dalton, Pennsylvania 18414.
2. Petitioner filed the above-captioned matter seeking to have the Bridge connecting his otherwise totally bi-sected farm repaired; instead, the Bridge was demolished in May, 2016 but not replaced, and the railroad crossing was abolished, per Order of the Commission.
3. Accordingly, Petitioner filed his "Application for Determination as to Compensation for Damages Sustained Due to Abolition of Railroad Crossing" pursuant to 66 Pa.C.S.A. Section 2704(a), which (although the Application referenced the above-captioned matter) the Commission docketed to C-2016-2570929
4. The Commission's April 23, 2018 Order regarding that Application docketed to C-2016-2570929 states in Paragraph # 5 thereof: "That the Commission expressly relinquishes any asserted jurisdiction over any further claims of Mr. A. Edward Schwartz that the Opinion and Order entered December 5, 2013 at Docket No. C-2011-2237486, et al, raise justiciable

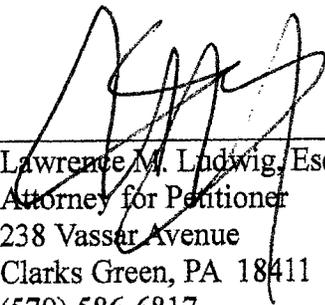
matters before this agency.”

5. That quoted “Ordering Paragraph does not specifically address the matter of transfer of jurisdiction to the Court of Common Pleas” pursuant to 66 Pa.C.S.A. Section 2704(b).
6. Petitioner has now received the Secretarial Letter dated March 4, 2020 issued in the above-captioned matter, a copy of which is attached hereto a Exhibit “AA”.
7. Petitioner respectfully objects to the record in the above-captioned matter being “CLOSED” prior to the issuance of a Secretarial Letter (or other Commission action) clarifying that, pursuant to 66 Pa.C.S.A. Section 2704(b), by relinquishing jurisdiction as aforesaid, “the Commission submits the case to the Lackawanna County Court of Common Pleas for determination of matters within their jurisdiction”.
8. Consistent therewith, Petitioner respectfully moves this Honorable Commission to transfer the case to the Lackawanna County Court of Common Pleas determination of matters pursuant to 66 Pa.C.S.A. Section 2704(b).

WHEREFORE, Petitioner respectfully requests that this Honorable Commission reconsider the Staff action in issuing the Secretarial Letter dated March 4, 2020 in the above-captioned matter, and defer Closing the record in the above-captioned matter until after this Honorable Commission transfers the case to the Lackawanna County Court of Common Pleas for determination of matters pursuant to 66 Pa.C.S.A. Section 2704(b).

Respectfully,

Dated: March 18, 2020



Lawrence M. Ludwig, Esquire
Attorney for Petitioner
238 Vassar Avenue
Clarks Green, PA 18411
(570) 586-6817
PA Attorney I.D. # 21599



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

March 4, 2020

P-2011-2241780
C-2011-2237486

TO ALL PARTIES

A. Edward Schwartz
V.
Canadian Pacific Railroad and
Pennsylvania Department of Transportation

To Whom It May Concern:

A review of our records revealed all work has been satisfactorily completed in accordance with our Order entered March 17, 2016.

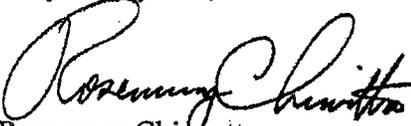
The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the record in this proceeding should be "CLOSED."

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition **MUST** include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right-hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,


Rosemary Chiavetta
Secretary

PENNSYLVANIA PUBLIC UTILITY COMMISSION

A. EDWARD SCHWARTZ,

v.

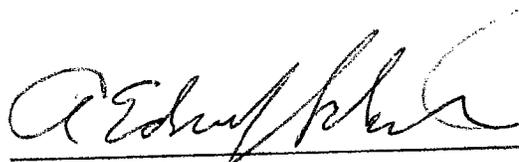
CANADIAN PACIFIC RAILROAD and PA
DEPARTMENT OF TRANSPORTATION ET AL

C-2011-2237486

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VERIFICATION

I, A. Edward Schwartz, do hereby swear that the facts in the foregoing **Petition for Reconsideration** are true and correct to the best of my information, knowledge and belief. I understand that false statements herein are made subject to the Rules of 18 Pa C.S. §4904 relating to unsworn falsification to authorities.


A. Edward Schwartz

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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CANADIAN PACIFIC RAILROAD and PA
DEPARTMENT OF TRANSPORTATION ET AL

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CERTIFICATE OF SERVICE

I, Lawrence M. Ludwig Esquire, attorney for Complainant, hereby certify that on March 18, 2020 I serve the foregoing **Petition for Reconsideration** by depositing duplicate copies thereof in the U.S. Mail, first-class postage prepaid, addressed to counsel of record et al, as follows:

Rhonda L. Daviston, Ass't Counsel
Tiffany L. Tran, Ass't Counsel
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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

Gina M. D'Alfonso, Senior Counsel
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

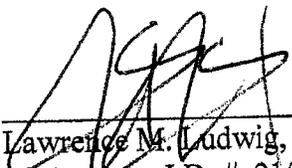
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