

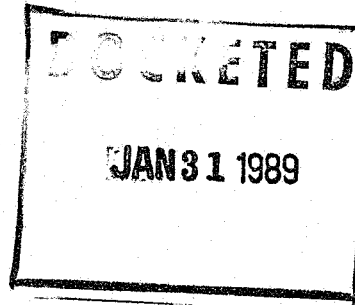


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

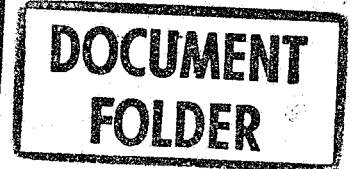
January 19, 1989

IN REPLY PLEASE
REFER TO OUR FILE

John L. Heaton, Chief Counsel
Pa. Dept. of Trans.
521 Trans. & Safety Building
Harrisburg, PA 17120



C-18922



Pennsylvania Public Utility Commission

v.

Department of Highways of the Commonwealth of Pennsylvania,
Union Railroad Company, City of Duquesne, County of Allegheny,
The Bell Telephone Company of Pennsylvania, Carnegie Natural
Gas Company, Duquesne Light Company, Equitable Gas Company
and Keystone Pipe Line Company.

To Whom It May Concern:

This is to advise you that an Order To Show Cause
has been adopted by the Commission in public meeting held
January 12, 1989.

An Executed Order has been enclosed for your records.

Very truly yours,

Jerry Rich, Secretary

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Encls.
Cert. mail

Bureau of S & C - Rail Trans.

Similar letter to: See attached list.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held January 12, 1989

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice Chairman
Joseph Rhodes, Jr., Commissioner, dissenting
Frank Fischl, Commissioner

**DOCUMENT
FOLDER**

Pennsylvania Public Utility Commission

v.

Department of Highways of the Commonwealth
of Pennsylvania, Union Railroad Company,
City of Duquesne, County of Allegheny, The
Bell Telephone Company of Pennsylvania,
Carnegie Natural Gas Company, Duquesne
Light Company, Equitable Gas Company and
Keystone Pipe Line Company.

Docket No.
C-18922

SECRETED

JAN 31 1989

ORDER TO SHOW CAUSE

BY THE COMMISSION:

This Commission, upon its own motion, as the duly constituted agency of the Commonwealth of Pennsylvania charged with allocating costs for improvements to rail-highway crossings, institutes this Order to Show Cause against the City of Duquesne (City) and hereby represents as follows:

1. That on or about April 27, 1970, this Commission instituted an investigation into the use and safety of the Thompson Run Bridge carrying State Highway Route 736 extension over and above the tracks of the Union Railroad Company in the City of Duquesne, Allegheny County.
2. That on or about June 1, 1970, the Commission directed the Department of Highways to restore and repair the Thompson Run Bridge at its initial cost and expense.
3. That on or about May 22, 1975, subsequent to a public hearing, the City of Duquesne was ordered by this Commission to reimburse the Department of Transportation 10% of the \$189,397 project costs incurred by the

Department of Highways, when and as certified by the Commission.

4. That on or about March 25, 1982, the Commission issued an Order Nisi, permitting the Department of Transportation to rehabilitate the Thompson Run Bridge for a second time.

5. That on or about June 12, 1980, this Commission approved the costs incurred by the Department in the amount of \$189,397.35 and authorized the City of Duquesne to pay the Department the sum of \$18,939.74.

6. That the City of Duquesne has failed to respond to a written demand dated May 6, 1988, by the Department of Transportation for payment.

7. That the City has refused and continues to refuse to pay the Department the sum of \$18,939.74.

8. That on or about September 22, 1980, the Department of Transportation filed a Petition to Enforce the Order of May 22, 1975, with the Commission, wherein it is alleged that the City of Duquesne has failed to reimburse the Department the \$18,939.74 required by that Order; THEREFORE,

IT IS ORDERED:

1. That this Order to Show Cause be and is hereby instituted against the City of Duquesne, Allegheny County, to Show Cause why the Commission should not pursue an action in mandamus to enforce its order of May 22, 1975, against the City of Duquesne.

2. That the City of Duquesne has twenty (20) days from the date on which this order is served to file with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA, 17120, an answer, in writing, under oath, which is required by the Rules of Administrative Practice and Procedure, 52 Pa. Code §5.64, either affirm or specifically denies the allegations in this order.

3. That if the City of Duquesne fails to file an answer or other responsive pleading within twenty (20) days, the City will be deemed to have admitted all the allegations of this order in accordance with the Rules of Administrative Practice and Procedure, 52 Pa. Code §5.64. In that event, this Commission

may, without hearing, enter an order which imposes fines or any other appropriate penalty or remedy authorized the Public Utility Code, 66 Pa. C.S. §101 et seq.

4. That if the City of Duquesne should file an answer, in writing, within twenty (20) days of the date of entry of this order, in which it admits the allegations contained in this order, or which fails to specifically deny the allegations in this order, the Commission may enter an order, without hearing, which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. §101 et seq. or the laws of this Commonwealth.

5. That if the City files a timely answer to this Order to Show Cause, which specifically denies the allegations against it or raises material questions of law or fact, this matter shall be referred to an Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, the City is found to have committed the allegation charged, the Administrative Law Judge may render a decision which imposes a fine or other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. §101 et seq. or the laws of this Commonwealth or which results in an action in mandamus before the Commonwealth Court.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: January 12, 1989

ORDER ENTERED:

JAN 19 1989