

COMMONWEALTH OF PENNSYLVANIA



PENNSYLVANIA TURNPIKE COMMISSION

P.O. BOX 2531 - HARRISBURG, PA. 17120

RECEIVED

SEP 22 1978

SECRETARY'S OFFICE
Public Utility Commission

September 21, 1978

AREA CODE 717 939-9551

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

ATTENTION: C. J. McElwee

RE: Acknowledgement

Dear Mr. McElwee:

Enclosed please find our receipt and acknowledgement of your Executed Order for Complaint Docket 18925, Borough of Homewood and Borough of Big Beaver vs. Penn Central Transportation Company, et al.

Thank you for your attention in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Jacqueline M. Verney".

Jacqueline M. Verney,
Assistant Counsel

JMV/jlj

Enclosure: Acknowledgement



~~CONRAIL~~

RECEIVED

MAY 25 1979

SECRETARY'S OFFICE
Public Utility Commission

May 23, 1979

Subject: Homewood and Big Beaver Boroughs, Beaver County, Pa.
O.H. Bridge 34.88, over Main Line 2402, PUC C.18925.
(File: Br. 34.88-SCW)

DOCKETED PA. P.U.C.
COMPLAINT DOCKET M.I.S.
MAY 30 1979 MAY 30 1979

Mr. William P. Thierfelder
Secretary
Pennsylvania PUC
P.O. Box 3265
Harrisburg, Pennsylvania 17120

Dear Mr. Thierfelder:

The Commission's Order entered September 10, 1978, required Consolidated Rail Corporation to submit plans for the reconstruction of this structure within six months.

We have invited proposals from consulting engineering firms, but within recent weeks have determined that we have in-house capability to complete the design. The invitations have been withdrawn.

Preliminary design is now underway and is expected to be completed by August 31, 1979.

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

If the Commission approves the preliminary design, we expect the final design, specifications, and bid documents will be completed by December 31, 1979.

This is a major design project and, we ask the Commission's indulgence. Should the Commission require a formal request for an extension of time, we will of course, be willing to comply.

Very truly yours,

J. T. Sullivan
J. T. Sullivan, P.E.
Chief Engineer
Design & Construction - 19th Fl.
(215) 893-6039

CC: Mr. David L. Gropp
240 Commerce St.
Beaver, Pa. 15009

Mr. George D. Wenick
Office of Chief Counsel,
PennDOT
Harrisburg, Pa. 17120

May 29, 1979

GOODE

C. 18925

J. T. Sullivan, P.E.
Chief Engineer
Design & Construction - 19th Floor
Consolidated Rail Corporation
1528 Walnut Street
Philadelphia, Pennsylvania 19102

PA. P.U.C.
M.I.S.

MAY 30 1979

Borough of Homewood and Borough of Big Beaver

v.

Penn Central Transportation Company, Department of Highways of the
Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, County
of Beaver and Consolidated Rail Corporation

Dear Mr. Sullivan:

Receipt is acknowledged of your letter dated May 23, 1979,
which contains information relative to the Commission's order issued
September 10, 1978.

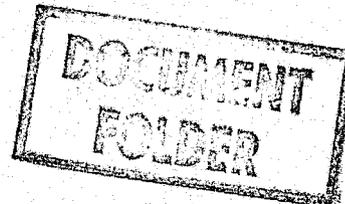
The letter will receive the Commission's attention.

Very truly yours,

for William P. Thierfelder
Acting Secretary

cc: Bureau of Rail Transportation - w/copy of letter
Law Bureau - w/copy of letter

CKG:jek



June 1, 1979

C. 18925
(Your file reference:
BR. 34.88-SCW)

J. T. Sullivan, P.E., Chief Engineer
Design and Construction - 19th Floor
Consolidated Rail Corporation
1528 Walnut Street
Philadelphia, PA 19102

Borough of Homewood and Borough of Big Beaver
v.
Penn Central Transportation Company, Department
of Highways of the Commonwealth of Pennsylvania,
Pennsylvania Turnpike Commission, County of
Beaver and Consolidated Rail Corporation.

Dear Mr. Sullivan:

Your letter of May 23, 1979, relative to the subject proceeding has been referred to this bureau for reply.

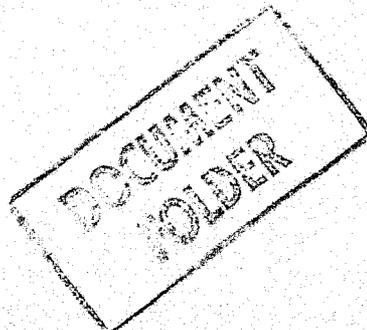
Please be advised that extension of time for compliance with any directives of past Commission orders, can only be granted by action of the Commission, in formal session, after granting of opportunity for reply to all affected parties.

Accordingly, it will be necessary for Consolidated Rail Corporation to file formal petition for the desired extension of time, with copy of same directed to each party of record in this proceeding.

Very truly yours,

R. A. Peteritas, Director
Bureau of Rail Transportation

JLS:o



June 5, 1979

C. 18925

David L. Gropp, Solicitor
for Borough of Big Beaver and
Homewood Borough
240 Commerce Street
Beaver, Pennsylvania 15009

PA. P.U.C.
M.I.S.

JUN 5 1979

Borough of Homewood and Borough of Big Beaver

v.

Penn Central Transportation Company, Department of Highways of the
Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, County of
Beaver and Consolidated Rail Corporation

Dear Mr. Gropp:

Receipt is acknowledged of your letter dated May 30, 1979
requesting the Commission to formally specify that the required plans be
submitted within thirty days or less, or impose sanctions against Consolidated
Rail Corporation in the above entitled proceeding.

Your letter will receive the Commission's attention.

Very truly yours,

for William P. Thierfelder
Acting Secretary

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

cc: Bureau of Rail Transportation - w/copy of letter
Law Bureau - w/copy of letter

CKG:jl

FOLDER

JUN 1 11:25 AM '79

DAVID L. GROPP
ATTORNEY AT LAW
240 COMMERCE STREET
BEAVER, PENNSYLVANIA 15008

AREA CODE 412
774-2453

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

May 30, 1979

PA. P.U.C.
M.I.S.
JUN 05 1979

Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17120

Attention: Mr. William P. Thierfelder, Secretary

Re: Homewood and Big Beaver Borough vs.
Penn Central Transportation Company et al.
Pennsylvania PUC Docket No. 18925

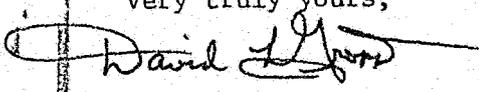
Dear Mr. Thierfelder:

I have received a copy of the May 23, 1979 letter of J. T. Sullivan, P. E., Chief Engineer of Consolidated Rail Corporation addressed to you relative to Conrail's failure to obey the Commission's Order of August 30, 1978 in the above captioned proceedings. I believe said letter was prompted by my letter of May 11, 1979 to Joel E. Mazor, Esquire, attorney for Conrail, a copy of which is attached hereto.

Per the Commission's Order adopted August 30, 1978, entered as of September 10, 1978, Conrail should have had the required design and construction plans done by mid-March, 1979. The "recent weeks" ago determination by Conrail had to occur after the deadline imposed upon it to have same completed expired. It is my opinion that the railroad is just pulling one more delay tactic to avoid it's responsibilities.

I hereby request that the Pennsylvania Public Utility Commission formally specify that the required plan's be submitted within thirty (30) days or less, or impose sanctions against Conrail.

Very truly yours,


FOUNDER

David L. Gropp, Solicitor for
Borough of Big Beaver and Homewood
Borough

DLG/ds

Enclosure

cc: Joel E. Mazor, Esquire (for Conrail)
J. T. Sullivan, P.E. (for Conrail)
George D. Wenich, Esquire (for PennDOT)
Candace Kreiger, Esquire (for PUC)

DUPLICATE FOR RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

DOCKETED
COMPLAINT DOCKET
JUN 3 1979

A

Goode

June 15, 1979

G. 18925

Joel E. Mazor, Commerce Counsel
Consolidated Rail Corporation
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

Borough of Homewood and Borough of Big Beaver
v.
Penn Central Transportation Company, Department of
Highways of the Commonwealth of Pennsylvania,
Pennsylvania Turnpike Commission, County of Beaver
and Consolidated Rail Corporation

Dear Mr. Mazor:

Receipt is acknowledged of your letter dated
June 6, 1979 in reference to the May 30, 1979 letter
of David L. Gropp, Esquire in the above entitled
proceeding.

Your letter will receive the Commission's
attention.

Very truly yours

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

For William P. Thiersfelder
Acting Secretary

cc: Bureau of Rail Transportation - w/copy of letter
Law Bureau - w/copy of letter

CKG:jl

DOCUMENT
FOLDER

RAIL

JUN 3 12 05 PM '79

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

June 6, 1979

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

Re: Complaint Docket 18925 - Beaver County
(Our File MPCB 19)

Dear Sir:

Reference is made to a letter dated May 30, 1979 from David L. Gropp, Esquire which I feel requires an answer.

I do not believe that there was a failure to obey the Commission's order of August 30, 1978 since in my opinion a failure to obey an order is a willful intent never to do so. As explained to you in Mr. Sullivan's letter of May 30, 1979 the delay was occasioned by circumstances which are normal in the course of a proceeding of this type.

The railroad is not just pulling one more delay tactic to avoid its responsibilities. On the contrary, we have every intent as Mr. Sullivan's letter indicated, to comply in all respects with the Commission's requirement as we have always done in the past and as we will continue to do in the future. Our only fault in this matter was not filing a timely petition for extension which no doubt, based on past experience, would have been granted. We respectfully submit that a time limit of 30 days or less to complete and submit the plans is unrealistic and that the date requested by Mr. Sullivan of December 31, 1979 will be complied with.

Very truly yours,

Joel E. Mazor
Joel E. Mazor
Commerce Counsel
1138 Six Penn Center Plaza
Philadelphia, PA 19104
(215) 594-4241

DOCUMENT
FOLDER

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

DOCKETED
COMPLAINT DOCKET
JUN 27 1979

JEM/d/w

cc: David L. Gropp, Esquire
240 Commerce Street
Beaver, PA 15009

J. T. Sullivan
Attn: S. C. Walker

CONRAIL

RECEIVED

JUL 16 1979

SECRETARY'S OFFICE
Public Utility Commission

July 12, 1979

PA. P.U.C.

FILE

JUL 16 1979

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

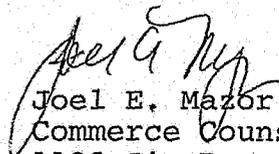
Re: C.18925, County of Beaver

Dear Sir:

I enclose for filing on behalf of Consolidated Rail Corporation the original and two copies of a Petition for Extension of Time in the captioned matter.

I hereby certify copies have been served on all parties of record.

Very truly yours,



Joel E. Mazor
Commerce Counsel
1138 Six Penn Center Plaza
Philadelphia, Pa. 19104

JEM:mm

Enc.

cc: David L. Gropp, Esq.
240 Commerce Street
Beaver, Pennsylvania, 15009

George D. Wenick, Esq.
Office of Chief Counsel
Penna. Dept. of Transportation
Harrisburg, Pa. 17120

DOCUMENT
FOLDER

Before The
Pennsylvania Public Utility Commission

RECEIVED

JUL 16 1979

SECRETARY'S OFFICE
Public Utility Commission

Borough of Homewood :
and :
Borough of Big Beaver :

vs. :

Penn Central Transportation :
Company, Department of :
Highways of the Commonwealth :
of Pennsylvania, Pennsylvania :
Turnpike Commission and :
County of Beaver :

Complaint Docket
No. 18925

DUPLICATE RECORD.
ORIGINAL CERTIFIED
TO COMMONWEALTH COURT.

PETITION FOR EXTENSION OF TIME

COMES NOW, Consolidated Rail Corporation, by its attorney, Joel E. Mazor, and petitions the Commission as follows:

1. By order adopted August 30, 1978 and entered September 19, 1978, the Commission affirmed its letter order of June 8, 1976 requiring petitioner to submit completed detailed construction plans within six (6) months of the date of the service of that order, which was September 27, 1978.

2. As indicated in a letter from J.T. Sullivan, Chief Engineer, Design and Construction of petitioner, to the Commission and all parties of record dated May 23, 1979, proposals had been invited from consulting engineering firms but it was later decided to complete the design in-house. Preliminary design is now under way and should be completed by August 31, 1979.

EXTRA COPY

3. Upon approval of the preliminary design, final design, specifications and bid documents will be completed by December 31, 1979.

4. Petitioner hereby extends its sincere apologies to the Commission and all parties of record for not filing the request for extension of time prior to the expiration of the original six (6) months provided by the Commission for completion of this work.

WHEREFORE, petitioner respectfully prays the Commission enter an order extending the time for it to complete final design specifications and cost estimates until December 31, 1979.

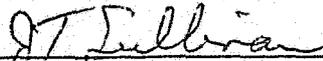
CONSOLIDATED RAIL CORPORATION

By: Joel E. Mazor
JOEL E. MAZOR

COMMONWEALTH OF PENNSYLVANIA

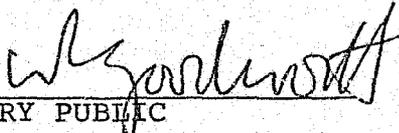
COUNTY OF PHILADELPHIA

J. T. SULLIVAN, being duly sworn according to law, deposes and says that he is Chief Engineer, Design and Construction of Consolidated Rail Corporation; that he is authorized to and does make this affidavit on its behalf; that the facts contained in the foregoing petition are true and correct to the best of his knowledge, information and belief.



CHIEF ENGINEER-DESIGN & CONSTRUCTION

Sworn to and subscribed
before me this 10 day
of July, 1979.



NOTARY PUBLIC

WILLIAM H. ...
COUNTY OF PHILADELPHIA
BY ...

July 23, 1979

C-79020749, etc.

Joel E. Mazor
Commerce Counsel
1138 Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

PA. P.U.C.
M.I.S.
JUL 23 1979

C-79020749, C-79020750, C-79020751, C-79020752, C-79020753,
C-79020754, C-79020755 and C-79020756 - Borough of Tamaqua

v.

Consolidated Rail Corporation, County of Schuylkill and
Pennsylvania Department of Transportation

✓ C. 18925 - Borough of Homewood and Borough of Big Beaver

v.

Penn Central Transportation Company, Department of Highways of
the Commonwealth of Pennsylvania, Pennsylvania Turnpike
Commission, County of Beaver and Consolidated Rail Corporation

Dear Mr. Mazor:

Receipt is acknowledged of your letters dated July 12, 1979,
enclosing an original and two copies each of a petition for extension of
time filed on behalf of Consolidated Rail Corporation in the above
entitled proceedings.

We note your statements that a copy of the petitions has been
sent to all parties of record.

The petitions will receive the Commission's attention, and you
will be further advised.

Very truly yours,

for William P. Thierfelder
Secretary

CKG:jek

