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November 24, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Investigation upon the Commission's motion into matters pertaining to the proper safety of the traveling public and disposition of the crossing where State Route SR0268, crosses over a railroad tunnel formally used by Bessemer and Lake Erie Railroad in Fairview Township, Butler County and where State Route SR0268 formerly crossed, below grade, the track of Bessemer and Lake Erie Railroad in Bradys Bend Township, Armstrong County
Docket No. I-2019-3012769

Dear Ms. Chiavetta:

Enclosed for electronic filing is Fairfield Township's Prehearing Conference Memorandum in the above-referenced matter.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

DILLON McCANDLESS KING COULTER & GRAHAM L.L.P.



Matthew F. Marshall

Enclosure

cc: As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission’s motion :
into matters pertaining to the proper safety of :
the traveling public and disposition of the :
crossing where State Route SR0268, crosses :
over a railroad tunnel formally used by :
Bessemer and Lake Erie Railroad in : Docket No. I-2019-3012769
Fairview Township, Butler County and :
where State Route SR0268 formerly crossed, :
below grade, the track of Bessemer and Lake :
Erie Railroad in Bradys Bend Township, :
Armstrong County :

PREHEARING CONFERENCE MEMORANDUM

In accordance with the October 7, 2020 Prehearing Conference Order of Administrative Law Judge Mark A. Hoyer in the above-referenced matter, Fairview Township offers the following:

1. Fairview Township, Butler County, Pennsylvania (“the Township”) requests that the sole service for the Township be as follows:

Matthew F. Marshall, Esquire (PA Attorney ID No. 72853)
Dillon McCandless King Coulter & Graham L.L.P.
600 Cranberry Woods Drive, Ste. 175
Cranberry Township, PA 16066
mmarshall@dmkcg.com

with a copy to:
Fairview Township Supervisors
1571 Hooker Road
Karns City, PA 16041
fairtp@live.com

Counsel will accept service electronically.

2. By Order dated October 3, 2019 the Commission instituted an investigation for the stated purpose of “determining all matters relating to the abolition and safety, of the crossings State Route SR0268 crosses, above grade, a track of Bessemer and Lake Erie Railroad in Fairview Township, Butler County and where State Route SR 0068 crosses, below grade, a track of Bessemer and Lake Erie Railroad in Bradys Bend Township, Armstrong County, as well as the future disposition of the crossings, what work shall be performed

at the crossings, and allocation of the cost of any work ordered” under this docket. Although the Township has not completed its investigation into this matter, the Township believes these are the issues the Commission is looking to address.

3. The Township requests that a virtual hearing that allows for the ability of all parties to review documents and see witnesses during cross-examination be scheduled to address outstanding issues between the parties.
4. The Township concurs with the procedural schedule proposed by the Bureau of Investigation and Enforcement in its Prehearing Conference Memorandum.
5. The Township has not determined if it intends to offer witness.
6. The Township reserves the right to call any witnesses deemed necessary, as the case develops.

Respectfully Submitted,

By: /s/ Matthew F. Marshall

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Cranberry Township, PA 16066
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PA Attorney I.D. No. 72853
mmarshall@dmkcg.com

Dated: November 24, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the Commission’s motion :
into matters pertaining to the proper safety of :
the traveling public and disposition of the :
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Fairview Township, Butler County and :
where State Route SR0268 formerly crossed, :
below grade, the track of Bessemer and Lake :
Erie Railroad in Bradys Bend Township, :
Armstrong County :

CERTIFICATE OF SERVICE

I hereby certify that I have this day serviced a true copy of the foregoing **Prehearing Conference Memorandum** dated November 24, 2020, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (related to service by a party).

Service by Electronic Mail Only

John M. Steidle, Esquire
Edwin B. Palmer, Esquire
Burns White LLC
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Pittsburgh, PA 15222
jmsteidle@burnswhite.com
ebpalmer@burnswhite.com

Jennifer Brown-Sweeney, Esquire
Gina M. D’Alfonso, Esquire
Pennsylvania Department of Transportation
P.O. Bos 8212
Harrisburg, PA 17105-8212
jbrownswee@pa.gov

Mark Gordon
Planning Department
P.O. Box 1208
124 West Diamond Street, 5th Floor
Butler, PA 16003
MGordon@co.butler.pa.us

Kayla L. Rost, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
karost@pa.gov

Bradys Bend Township Supervisors
1004 State Route 68
East Brady, PA 16028
bbtownship@gmail.com

The Honorable Mary D. Long
Administrative Law Judge
Pennsylvania Public Utility Commission
301 Fifth Avenue
Suite 220 – Piatt Place
Pittsburgh, PA 15222
malong@pa.gov

Don Myers, Chair
Armstrong County Commissioners
450 East Market Street
Kittanning, PA 16201
aspoule@co.armstrong.pa.us

Respectfully Submitted,

By: /s/ Matthew F. Marshall

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Dated: November 24, 2020