**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Knox Township :

:

v. : C-2019-3009358

:

Buffalo & Pittsburgh Railroad Inc. :

**INTERIM ORDER**

**RULING ON OBJECTIONS**

**AND CLOSING OF THE RECORD**

An evidentiary hearing was conducted in the above-captioned matter on Wednesday, January 25, 2022. Counsel for Knox Township, Buffalo, and Pittsburgh Railroad (BPRR), the Bureau of Investigation and Enforcement, and Pennsylvania Department of Transportation (PennDOT) appeared and participated. Counsel for Jefferson County appeared and monitored the proceeding. At the conclusion of the hearing the parties agreed to a briefing scheduled contingent upon the filing date of the hearing transcript. Following the receipt of the transcript, I issued a briefing order which required main briefs to be filed on or before March 31, 2022, and reply briefs to be filed on or before April 20, 2022. BPRR, I&E, and Knox Township each filed a main brief. PennDOT notified me by letter that it would not be filing a brief in this matter. Only BPRR filed a reply brief.

By interim order entered on April 26, 2022, I notified the parties that I intended to consider the Secretarial Letter dated September 10, 2019, as part of the evidentiary record in this matter, to the extent it is not already part of the record in this proceeding. The September 10, 2019, Secretarial Letter described the crossings at issue and directed certain work to be completed. Several witnesses testified regarding this letter and exhibits were admitted into the record which referred to the September 10, 2019, Secretarial Letter. The parties were provided an opportunity to object on or before April 28, 2022.

BPRR filed an objection on April 28, 2022. BPRR did not object to the consideration of the letter but objected to certain statements in the record which conflicted to witness testimony made at the hearing.

BPRR’s objections are noted and to the extent statements made in the Secretarial Letter conflict with witness testimony at the evidentiary hearing, those conflicts will be considered in determining the weight and credibility of the record evidence. The September 10, 2019, Secretarial Letter will be considered along with other record evidence in rendering a decision in the above-captioned complaint.

THEREFORE,

IT IS ORDERED:

1. That BPRR’s objection to the consideration of the September 10, 2019, Secretarial Letter as part of the evidentiary record is overruled.

2. That the record is closed.

3. That a Recommended Decision shall be prepared and issued.

Date: April 29, 2022 \_\_\_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_

Mary D. Long

Administrative Law Judge

**C-2019-3009358 - KNOX TOWNSHIP V. BUFFALO & PITTSBURGH RAILROAD INC.**

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