



Benjamin C. Dunlap, Jr., Esquire bdunlapjr@nssh.com (717) 236-3010, Ext. 121

June 14, 2022

C-2022-3032616

Via Electronic Filing

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

RCVD PUC SEC BUR
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Re: Norfolk Southern Railway Company Contact

Dear Secretary Chiavetta:

Norfolk Southern recently received the attached Notice of a new case filing. The Notice was directed to Timothy Bentley at Norfolk Southern. Mr. Bentley has not handled PUC matters for over ten years, regarding which we had previously informed the Commission. Unless I or another attorney have entered our appearance for the company in a particular matter, all PUC filings from the Commission should be directed to Julianne Freeman in the Norfolk Southern Law Department at the following address and email: Julianne Freeman, Esquire, Norfolk Southern, 650 West Peachtree Street NW, Atlanta, GA 30308, Julianne.Freeman@nscorp.com.

Your attention to this issue is greatly appreciated.

Sincerely yours,

Benjamin C. Dunlap, Jr.

BCDjr/law

cc: Timothy Bentley, Esquire
Julianne Freeman, Esquire
Rudy Husband

Attachments

LEGAL EXCELLENCE AND PRACTICAL SOLUTIONS SINCE 1871

Nauman Smith Shissler & Hall, LLP 200 North 3rd Street, 18th Floor Harrisburg, PA 17101 717.236.3010 fax: 717.234.1925 www.nssh.com



**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEystone BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120**

**IN REPLY PLEASE
REFER TO OUR FILE**

DATE SERVED: May 25, 2022

C-2022-3032616

Via Email

ALL Parties to proceedings pending before the Commission are encouraged to EITHER open and use an eFiling account through the Commission's website at www.puc.pa.gov OR to ensure timely arrival, submit the filing by overnight delivery to: Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, Pennsylvania 17120. Emailed or faxed submissions are not acceptable. If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission's Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission's file. Filers should contact the Secretary's Bureau in advance to set up a Share Point File before submitting the filing.

TO:

**TIMOTHY BENTLEY
NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK VA 23510-9241
TIMOTHY.BENTLEY@NSCORP.COM**

**KAREN CUMMINGS
PENNDOT
PO BOX 8212
HARRISBURG PA 17105-8212
KCUMMINGS@PA.GOV**

**KEITH O. BRENNEMAN
CUMBERLAND COUNTY SOLICITOR
44 WEST MAIN STREET
MECHANICSBURG PA 17055
K.BRENNEMAN@VERIZON.NET; SOLICITOR@CCPA.NET**

**MARCUS MCKNIGHT III
NEWVILLE BOROUGH/ PENN TWP SOLICITOR
60 WEST POMFRET STREET
CARLISLE PA 17013
MMCKNIGHT@IRWINMCKNIGHT.COM**

A formal complaint has been filed against you before the Pennsylvania Public Utility Commission by Robert Kough Jr. Within twenty (20) days of the date of this letter, you must either: (1) respond by filing with the Commission, in writing, an Answer in accordance with 52 Pa. Code Section 5.61, either personally or through your attorney; or (2) satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission.

IF YOU FAIL TO ANSWER THE COMPLAINT WITHIN TWENTY (20) DAYS OF THE ABOVE DATE SERVED, THE CLAIMS AGAINST YOU MAY BE DEEMED ADMITTED, THE CASE MAY GO FORWARD, AND A PENALTY MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money, property or other important rights.

COMPANY/UTILITY

The Commission may revoke or suspend any certificate or permit held by you or impose a fine or other penalty or remedy authorized by the Public Utility Code. You may lose money, property or other important rights.

Detailed instructions on how to proceed are contained in the attached pages. Unless you are a corporation or other organization, you may proceed without a lawyer.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: May 25, 2022

Robert Kough Jr
Complainant

v.

**Norfolk Southern Railway Co, PennDot,
Cumberland County Solicitor,
Newville Borough/ Penn Twp Solicitor**

Complaint Docket No:
C-2022-3032616

Respondent

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

**TO: Norfolk Southern Railway Co, PennDot, Cumberland County Solicitor,
Newville Borough/ Penn Twp Solicitor**

TAKE NOTICE:

1. You have twenty (20) days from the above date served to either: (a) satisfy this complaint or (b) file an Answer with the **Secretary of the Pennsylvania Public Utility Commission** - one original written answer, under oath, as required by 52 Pa. Code Section 5.61, which either admits or specifically denies the allegations in the complaint. You must also serve one copy of the answer upon the complainant. In accordance with 52 Pa. Code Section 1.56(a), **the date served is the date appearing at the top of this Notice.**

2. In accordance with 52 Pa. Code Section 5.61, if you fail to either satisfy or settle this complaint, or to file an answer or other responsive pleading within twenty (20) days of the above date served, you will be deemed to have admitted all the allegations in this complaint. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or may impose a fine or other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq. If you are a customer of a utility, the Commission may enter an order setting forth a payment schedule or authorize termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy or settle this complaint, you must file with the Commission, within twenty (20) days from the above date served, a certified statement of satisfaction as required by 52 Pa. Code Section 5.24. Such certified statement must describe the basis on which this complaint was satisfied and any settlement agreement between the parties must be made in writing and attached to the certified statement. Such certified statement must be filed with the Secretary of the Commission at the address set forth in paragraph 1 above. Upon the Commission's receipt of a certified statement of satisfaction from all complainants, this complaint may be dismissed in accordance with 66 Pa. C.S. Section 703(a) (unless the

Commission determines that a dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint).

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or impose a fine or other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, the Commission may enter an order setting forth a payment schedule or authorize termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and a decision. If, after hearing on the issues, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or imposes a fine or other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, the Commission may enter an order setting forth a payment schedule or authorize termination of utility services. When imposing a penalty, the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



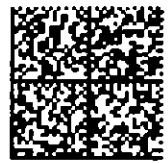
Rosemary Chiavetta
Secretary

~~(SEAL)~~
RC:jbs

FIRST CLASS

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First Class Mail



**NAUMAN
SMITH
SHISSLER & HALL**

200 North 3rd Street, 18th Floor
Harrisburg, PA 17101

FIRST CLASS

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To: Rosemary Chiavetta, Secretary
To: Pennsylvania Public Utility
Commission
400 North Street
Harrisburg, PA 17120