



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

IN REPLY PLEASE
REFER TO OUR FILE

September 12, 2022

C-2015-2513130

C-2015-2513384

Via Eservice and Email Only
TO ALL PARTIES OF RECORD

Complaint filed by the Borough of Ellwood City verses Buffalo & Pittsburgh Railroad Inc., alleging falling concrete from the railroad overpass onto the public roadway and sidewalks and other issues at the public crossing (DOT 145 827 X) where SR 2017 (Fifth Street) crosses, below grade, the tracks of Buffalo & Pittsburgh Railroad Inc., located in the Borough of Ellwood City, Lawrence County.

To Whom It May Concern:

By petition received by the Commission on July 20, 2022, Buffalo & Pittsburgh Railroad Inc., requests an extension of time to complete the alteration of the above captioned crossing involved in this proceeding.

By Secretarial Letter dated May 6, 2022, the applicant was directed to complete the crossing alteration by September 30, 2022.

In its petition, Buffalo & Pittsburgh Railroad Inc., states that the project is going to be delayed due to supply chain issues for construction material involved in the alteration.

It therefore is requesting an extension of time that establishes a completion date of November 30, 2022.

We have carefully reviewed the record in this proceeding and will grant Buffalo & Pittsburgh Railroad Inc., an extension of time to November 30, 2022, to complete the alteration of the above captioned crossing.

Accordingly, the petition of Buffalo & Pittsburgh Railroad Inc., received by the Commission on July 20, 2022, requesting an extension of time, be and is hereby granted to the extent herein directed:

1. Paragraph 14 of our Secretarial Letter dated May 6, 2022, which reads as follows, to wit:

“14. All work necessary to complete the project construction within the Commission’s jurisdiction be done in a manner satisfactory to this Commission on or before September 30, 2022, and that on or before said date, Buffalo & Pittsburgh Railroad Inc., notify this Commission in writing the date of actual completed work.”

be and is hereby modified to read:

14. All work necessary to complete the project construction within the Commission’s jurisdiction be done in a manner satisfactory to this Commission on or before November 30, 2022, and that on or before said date, Buffalo & Pittsburgh Railroad Inc., notify this Commission in writing the date of actual completed work.

2. In all respects not inconsistent herewith, our Secretarial Letter dated May 6, 2022, remains in full force and effect.

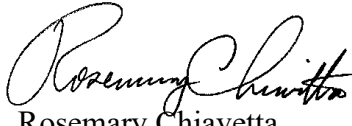
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

The Commission has waived certain regulatory service provisions as directed by the Commission’s Order at M-2021-3028321. Currently, while the Commission’s physical facilities are open for business, some of the operational restraints occasioned by the pandemic remain. It is evident that the pandemic and its changing nature require certain procedural flexibility for the public, the regulated community, and the Commission. Toward this end, the Commission will continue to permit electronic service by the Commission on all parties, regardless of whether a particular party has agreed to electronic service. An exception to this general waiver is where the Public Utility Code requires service by specified means, e.g., Section 702. Additionally, service on Commission staff in proceedings pending before it, whether staff is a party or otherwise, shall be exclusively electronic unless the parties agree otherwise. Filings must be submitted by efilings with the Secretary of the Commission by opening an efilings account through the Commission’s website and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be submitted by e-filing said petition within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,

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

Rosemary Chiavetta
Secretary