



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

IN REPLY PLEASE
REFER TO OUR FILE

October 5, 2022

A-2022-3034645

Via Eservice and Email Only
TO PARTIES OF RECORD

Application of Verizon North, LLC for approval of the alteration of the public crossing where SR 0031 (Main Street) crosses, at grade, a single track owned by CSX Transportation, Inc. (DOT 145 162 E) by the installation of an aerial fiber optic cable, located in the Borough of Somerset, Somerset County.

To Whom It May Concern:

By application filed with the Commission on August 23, 2022, Verizon North, LLC (Verizon) seeks Commission approval to alter the at grade crossing (DOT 145 162 E) by the installation of a new aerial fiber optic cable where SR 0031 (Main Street) crosses, at grade, a single track of CSX Transportation, Inc. (CSX) in the Borough of Somerset, Somerset County.

The new aerial cable will be lashed to an existing Verizon cable which is attached to existing Verizon poles at the site of the crossing. The line will provide a minimum vertical clearance of 25-feet 8-inches from the top of rail to the new cable.

The Commission hereby establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way.

In its application, Verizon states that the proposed installation is necessary for interconnection between the Somerset and Stoystown phone offices for increased bandwidth needed for modem internet and data services. Verizon will be directed to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for the new aerial fiber line, at its sole cost and expense. The cost of the project is anticipated to be approximately \$5,000.

All work is to be performed in accordance with the sketch plans entitled: “EXHIBIT A” consisting of two (2) sheets, received by the Commission with application on August 23, 2022.

Verizon avers that it has served a copy of the application and installation plan on Somerset County, Somerset Borough, CSX Transportation, Inc, and the Pennsylvania Department of Transportation. All parties in interest were queried by letter dated September 6, 2022, as to any objection to the subject application. None of the parties have responded with any objection to the subject application.

The Commission has exclusive jurisdiction in crossing alterations and is the final arbiter of any fees associated with a crossing application. Any conditions, including fees associated with a crossing application, must be approved by the Commission.

Upon full consideration of the matters involved, we find that a hearing is not necessary and that a Secretarial Letter may be issued approving the application.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing is necessary and proper for the service, accommodation, convenience, or safety of the public.

The application of Verizon North, LLC is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 145 162 E) where SR 0031 (Main Street) crosses, at grade, one (1) track of CSX Transportation, Inc. be altered generally in accordance with the installation sketch plan hereby entitled: “EXHIBIT A” consisting of two (2) sheets filed with the Commission on August 23, 2022; which plan is made part hereof and is hereby approved except insofar as it may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.
3. Verizon North, LLC, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the installation of an aerial fiber optic line lashed to an existing line attached to existing poles where SR 0031 (Main Street) crosses, at grade, a single track of CSX Transportation, Inc., all in accordance with the approved sketch plan and this Secretarial Letter.
4. Verizon North, LLC, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.

5. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than Verizon North, LLC, which may be required as incidental to the alteration of the crossing, be made by said public utility at its initial cost, and in such a manner as will not interfere with the alteration of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

6. CSX Transportation, Inc., at the sole cost and expense of Verizon North, LLC, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad's operations or facilities during the time the facilities are being installed.

7. Verizon North, LLC, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved sketch plan and this Secretarial Letter.

8. The alteration of the crossing be completed on or before October 31, 2023, and that on or before said date Verizon North, LLC report, in writing, the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been satisfactorily completed in accordance with the approved sketch plans and this Secretarial Letter.

9. Verizon North, LLC, at its sole cost and expense, pay all compensation for damages, if any, due to owners of property taken, injured, or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

10. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced, and so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

11. Verizon North, LLC cooperate with the non-carrier utilities involved, so that during the alteration of the involved crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

12. Verizon North, LLC, at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

13. Upon completion of the alteration of the crossing, Verizon North, LLC, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the new aerial fiber optic line and any ancillary facilities installed in accordance with the approved sketch plan and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, CSX Transportation, Inc., at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities and maintain at all times in a smooth and satisfactory condition the concrete crossing surface at the subject crossing; and provide the Borough of Somerset and the Pennsylvania Department of Transportation ten (10) business days advance notice when performing any work as directed by this paragraph.

15. Upon completion of the alteration of the crossing, the Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its roadway through the subject crossing area, up to the concrete crossing surface and provide CSX Transportation, Inc. ten (10) business days advance notice when performing any work as directed under this paragraph.

16. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any remaining costs incurred by the non-carrier utility companies and other matters relevant to this proceeding.

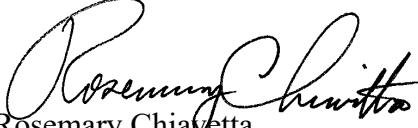
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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 e-filing with the Secretary of the Commission by opening an e-filing 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,



Rosemary Chiavetta
Secretary