



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 14, 2022

A-2022-3034783

**Via Eservice and Email Only**  
**TO ALL PARTIES OF RECORD**

Application of PPL Electric Utilities Corporation for approval of the alteration of the crossing (DOT 517 808 X) by the replacement of utility pole structure where Horton Street crosses at grade the tracks of R. J. Corman Railroad Group LLC, located in the City of Wilkes-Barre, Luzerne County.

To Whom It May Concern:

By application filed with the Commission on August 29, 2022, PPL Electric Utilities Corporation seeks Commission approval to alter the crossing (DOT 517 808 X) by the installation of a guy wire anchor to an existing pole and adjustment of the attached overhead wires where Horton Street crosses, at grade, the track of Luzerne and Susquehanna Railway located in the City of Wilkes-Barre, Luzerne County.

R. J. Corman Railroad Group LLC acquired the Luzerne & Susquehanna Railway in 2020. Therefore, R. J. Corman Railroad Group LLC will be added as a party of record to this proceeding.

The guy wire anchor and aerial wires will be installed within the right-of-way of Horton Street and R. J. Corman Railroad Group LLC. The installation will provide a minimum vertical clearance of 27-feet from the top of rail to the lowest aerial cable.

Commission hereby establishes its tentative 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, PPL Electric Utilities states that the proposed installation is necessary to support existing and future load conditions. PPL Electric Utilities 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 guy wire anchor and their power facilities attached thereto, 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 plans entitled: EXHIBIT "A" consisting of one sheet submitted to the Commission with the application.

PPL Electric Utilities has served a copy of the application and plans on Luzerne County, City of Wilkes-Barre, Luzerne and Susquehanna Railway, First Light (ION Holdco LLC), Comcast, Zito Media, Service Electric Company, Verizon Pennsylvania, LLC, Frontier Communications (CTSI, LLC) and the Pennsylvania Department of Transportation. All parties in interest were queried by letter dated September 13, 2022, sent via electronic mail as to any

objection to the subject application. None of the parties have responded with any objection to the subject application.

PPL Electric Utilities failed to provide R. J. Corman Railroad Group LLC with a copy of the application. Therefore, they have not had an opportunity to consider the matter and respond. However, this Secretarial Letter will be issued to all the parties of record, including R. J. Corman Railroad Group LLC, and will provide an opportunity to respond within twenty days of this Secretarial Letter issuance date.

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 PPL Electric Utilities Corporation is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. R. J. Corman Railroad Group LLC be made a party hereto.
3. The crossing where Horton Street crosses, at grade, a single track of R. J. Corman Railroad Group LLC (DOT 517 808 X) in City of Wilkes-Barre, Luzerne County be altered generally in accordance with the installation plan entitled: EXHIBIT "A" consisting of one (1) sheet provided to the Commission on August 29, 2022 as an attachment to the application; which plan is made part hereof and is hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.
4. PPL Electric Utilities Corporation, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the installation of the guy wire anchor to an existing utility pole and to reinstall aerial wires within the right-of-way of the highway where Horton Street crosses, at grade, a single track of R. J. Corman Railroad Group LLC, all in accordance with the approved plan and this Secretarial Letter.
5. PPL Electric Utilities Corporation, 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.
6. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than PPL Electric Utilities Corporation, 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.

7. R. J. Corman Railroad Group LLC, at the sole cost and expense of PPL Electric Utilities Corporation, 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.

8. PPL Electric Utilities Corporation, 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 plan and this Secretarial Letter.

9. The alteration of the crossing be completed on or before October 31, 2023, and that on or before said date PPL Electric Utilities Corporation, 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 plan and this Secretarial Letter.

10. PPL Electric Utilities Corporation, 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.

11. 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.

12. PPL Electric Utilities Corporation, 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.

13. PPL Electric Utilities Corporation, 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.

14. Upon completion of the alteration of the crossing, PPL Electric Utilities Corporation, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the new guy wire anchor and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

15. Upon completion of the alteration of the crossing, R. J. Corman Railroad Group LLC, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing, including the warning devices and all appurtenant equipment, and maintain at all times in a smooth and satisfactory condition the crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide City of Wilkes-Barre ten (10) business days advance notice when performing any work as directed under this paragraph.

16. Upon completion of the alteration of the crossing, City of Wilkes-Barre, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways to the subject crossing to points twenty-four (24) inches beyond each outside rail and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide R. J. Corman Railroad Group LLC ten (10) business days advance notice when performing any work as directed by this paragraph.

17. 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.

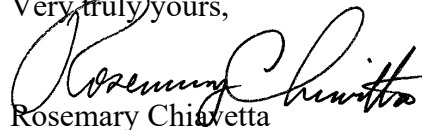
The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

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 Chialetta  
Secretary