



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

IN REPLY PLEASE
REFER TO OUR FILE

December 21, 2022

A-2022-3036742

Via Eservice and Email Only
TO ALL PARTIES OF RECORD

Application of PPL Electric Utilities for approval of the alteration of the crossing where SR 3009 (Paxton Street) crosses, at grade, a single track of Norfolk Southern Railway Company (DOT 591 910 B) by the replacement of an existing utility pole structure, located in the City of Harrisburg, Dauphin County

To Whom It May Concern:

By application received by the Commission on November 10, 2022, PPL Electric Utilities Corporation (PPL) seeks Commission approval to alter the at-grade crossing (DOT 591 910 B) by the replacement of a single utility pole where SR 3009 (Paxton Street) crosses, at-grade, a single track of Norfolk Southern Railway Company (NS) located in the City of Harrisburg, Dauphin County.

The pole to be replaced is located on the northeast side of the crossing within the right-of-way of SR 3009 (Paxton Street) and NS. The wires attached to the replaced poles will be installed to provide a minimum of 22 feet 6 inches of clearance above the top of the rail.

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, PPL states that the proposed installation is necessary to provide adequate, efficient, and reasonable communication services and power service to the surrounding public. PPL 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 utility poles, at its sole cost and expense. The cost of the project is anticipated to be \$20,000.

All work is to be performed in accordance with the plans entitled: "EXHIBIT A" consisting of a single sheet submitted to the Commission with the application on November 10, 2022.

PPL has served a copy of the application and plans on the City of Harrisburg, Dauphin County, Verizon, Comcast, NS, CTSI, LLC dba Frontier Communications, DQE Communications LLC, CenturyLink and the Pennsylvania Department of Transportation. All parties in interest were queried by letter dated November 21, 2022, sent via email as to any objection to the subject application and plans. None of the parties have responded with any objection to the subject application or plans.

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. The crossing where SR 3009 (Paxton Street) crosses, at grade, a single track of Norfolk Southern Railway Company (DOT 591 910 B) in Harrisburg City, Dauphin County be altered generally in accordance with the plan entitled: "EXHIBIT A," consisting of a single sheet submitted to the Commission on November 10, 2022; which plans are 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.
3. PPL Electric Utilities Corporation, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the replacement of a single utility pole within the right-of-way of the highway where SR 3009 (Paxton Street) crosses, at grade, one (1) track of Norfolk Southern Railway Company, all in accordance with the approved plan and this Secretarial Letter.
4. 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.

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 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.

6. Norfolk Southern Railway Company, 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.

7. 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.

8. The alteration of the crossing be completed on or before December 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.

9. 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.

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. PPL Electric Utilities Corporation cooperate with the non-carrier utilities involved, so that during the alteration of the subject crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

12. 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.

13. 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 utility poles and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, Norfolk Southern Railway Company, 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 Pennsylvania Department of Transportation, at least ten (10) business days advance notice when performing any work as directed by this paragraph.

15. Upon completion of the alteration of the crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways of the subject crossing up to the concrete crossing surface, 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 Norfolk Southern Railway Company at least 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 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 black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary