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October 13, 2023

**Via Electronic Filing**

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

RE: Knox Township v. Buffalo & Pittsburgh Railroad, Inc., et al.  
Docket No.: C-2019-3009358  
Our File No.: 0057694.0368163

Dear Secretary Chiavetta:

Enclosed for filing please find Buffalo & Pittsburgh Railroad, Inc.'s Supplement to Motion for Stay of Commission Order Dated April 20, 2023, in the above-referenced matter. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Very Truly Yours,

*Aaron M. Ponzio*

Aaron M. Ponzio

AMP/eie

Attachment

cc: All counsel and parties of record (via email w/ encl. per Certificate of Service)  
Hon. Mary D. Long

30312511.1

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Knox Township,

Complainant,

vs.

Docket No. C-2019-3009358

Buffalo & Pittsburgh Railroad Inc.,  
Pennsylvania Department of  
Transportation, Jefferson County &  
Brookville Borough,

Respondents.

**SUPPLEMENT TO MOTION FOR STAY OF COMMISSION ORDER DATED APRIL 20, 2023**

AND NOW, comes Respondent, Buffalo & Pittsburgh Railroad Company (“BPRR”), by its attorneys, Dickie, McCamey & Chilcote, P.C., J. Lawson Johnston, Esquire, Scott D. Clements, Esquire, and Aaron M. Ponzio, Esquire, and files its Motion for Stay of Commission Order Dated April 20, 2023, stating as follows:

1. BPRR filed its Motion for Stay of Commission Order Dated April 20, 2023, on July 11, 2023.
2. I&E filed its Answer to the Motion on July 31, 2023.
3. No other party has filed an Answer or otherwise opposed the relief requested by BPRR, and the time to do so has passed.
4. BPRR filed its Petition for Review of the Commission’s April 20, 2023 Order with the Commonwealth Court on May 18, 2023, at docket No. 489 CD 2023, and BPRR’s brief was filed on August 21, 2023.
5. Under the current briefing schedule in the Commonwealth Court case, I&E’s brief is due on October 23, 2023, and BPRR’s reply brief due 14 days thereafter pursuant to Pa. R.A.P. 2185(a)(1).

6. BPRR sought a stay of the Commission's Order of April 20, 2023, because the nine month time period prescribed by the Order will expire or be close to expired before the Commonwealth Court has an opportunity to rule on the Petition for Review, and BPRR will suffer irreparable harm if the Order is not stayed pending the Commonwealth Court's decision.

7. BPRR provides this Supplement to its Motion in order to inform the Commission of the briefing schedule in the Commonwealth Court case, which shows that the nine month time period in the Commission's Order will almost certainly be expired before the Commonwealth Court rules on the Petition for Review, which necessitates prompt action on BPRR's Motion to Stay the Commission's Order of April 20, 2023.

WHEREFORE, Respondent Buffalo & Pittsburgh Railroad, Inc. respectfully requests that the Commission grant its Motion for Stay of Commission Order Dated April 20, 2023.

Respectfully Submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/Aaron M. Ponzo

J. Lawson Johnston, Esquire

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Scott D. Clements, Esquire

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Attorneys for Buffalo & Pittsburgh  
Railroad, Inc.

Dated: October 13, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing Supplement to Motion for Stay of Commission Order Dated April 20, 2023, has been served this Friday, October 13, 2023, upon all parties pursuant to 52 Pa. Code § 1.54 (relating to service by a party):

Honorable Mary D. Long  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 Fifth Avenue  
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Respectfully Submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

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Scott D. Clements, Esquire  
Aaron M. Ponzio, Esquire

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Railroad, Inc.