



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 20, 2023

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street 2nd FL
Harrisburg, PA 17120

RE: A-2020-3018936

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Petition for Time of Extension* in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Caroline G. Robelen".

Caroline G. Robelen
Assistant Counsel

Cc: Parties of Record
Daniel Leonard, P.E., Utilities and Right of Way Section (*email*)
Susan Hazelton, Assistant District Executive, District 4-0 (*email*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of the Department of : Docket No. A-2020-3018936
Transportation of the Commonwealth of :
Pennsylvania for approval to alter the public : Electronically Filed
at-grade crossings by the installation of new :
active control device where Yatesville Road :
(SR 2017) (DOT 249 682 D), in Yatesville :
Borough; First Street (DOT 246 686 F), in :
Plains Township; and Miller Street (DOT 859 :
631 C), in the City of Wilkes-Barre each cross :
the tracks of the Norfolk Southern Railway :
Company in Luzerne County; all in accordance :
with the Federal Crossing Program and the :
allocation of costs incident thereto. :**

PETITION FOR EXTENSION OF TIME

The Commonwealth of Pennsylvania, Department of Transportation (Department), by its counsel, Caroline G. Robelen, files the following Petition for Extension of Time, pursuant to 52 Pa. Code § 5.41, in the above referenced matter and states as follows:

1. The name and address of the Petitioner is:

Commonwealth of Pennsylvania
Department of Transportation
Bureau of Project Delivery
P.O. Box 3362
Harrisburg, Pennsylvania 17105-3362

2. The name and address of Counsel for the Petitioner is:

Caroline G. Robelen, Assistant Counsel
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, Pennsylvania 17105-8212
crobelen@pa.gov

3. By Secretarial Letter entered September 16, 2020, the Pennsylvania Public Utility Commission (“Commission”) directed that “The alteration of the crossings be completed on or before December 31, 2023...”
4. The September 16, 2020 Secretarial Letter was rescinded in part by a Secretarial Opinion and Order dated January 14, 2021 which amended only Paragraphs No. 5 and No. 7 of the September 16, 2020 Secretarial Letter but did not change the terms of completion.
5. On May 7, 2021, an Amended Secretarial Letter was issued to reflect the January 14, 2021 Secretarial Order and Opinion; the May 7, 2021 Amended Secretarial Letter stated, in part, that “[the Commission’s] Secretarial Letter issued September 16, 2020 remains in full force and effect.”
6. The December 31, 2023 completion date set forth on the September 16, 2020 Secretarial Letter will not be met because of final revisions and approvals of the Section 130 Agreement between the Department and Norfolk Southern Railway Company.
7. For the reason stated above, the Department respectfully requests an extension of time from the December 31, 2023 date contained in the September 16, 2020 Secretarial Letter to the extended date of December 31, 2024, and that the Secretarial Letter dated September 16, 2020 be modified as follows:

18. The alteration of the crossings be completed on or before ~~December 31, 2023~~ *December 31, 2024*, and on or before said date, Norfolk Southern Railway Company 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 plans and this Secretarial Letter.

[Remainder of Page Left Blank Intentionally]

WHEREFORE, the Department of Transportation respectfully requests that the Public Utility Commission Secretarial Letter, entered on September 16, 2020 be modified consistent with this Petition.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Caroline G. Robelen, Esq.

Assistant Counsel

Commonwealth of Pennsylvania

Department of Transportation

Office of Chief Counsel

P.O. Box 8212

Harrisburg, PA 17105-8212

Telephone No. (717) 787-3128

Fax Number (717) 772-2741

Pennsylvania Attorney I.D. Number 328743

crobelen@pa.gov

DATED: November 20, 2023


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Company in Luzerne County; all in accordance :
with the Federal Crossing Program and the :
allocation of costs incident thereto. :**

VERIFICATION

I, John Pfeiffer, District Grade Crossing Engineer, Commonwealth of Pennsylvania, Department of Transportation, in the foregoing document, make the following statement subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authority, and do state that as the District 4-0 Grade Crossing Engineer for the Commonwealth of Pennsylvania, Department of Transportation, I am authorized to make this statement on behalf of the Commonwealth of Pennsylvania, Department of Transportation, and that the facts set forth in the foregoing document are true and correct to the best of my information, knowledge, and belief.

DATED: 11/17/2023



John Pfeiffer
District Grade Crossing Engineer
Engineering District 4-0

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allocation of costs incident thereto. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below by electronic mail pursuant to 52 Pa. Code §1.54:

Service by Electronic Mail

Benjamin C. Dunlap, Jr., Esq.
Nauman Smith Shissler & Hall
200 N. 3rd St., 18th Floor
P.O. Box 840
Harrisburg, PA 17108
bdunlapjr@nssh.com

Service by US Mail

Andrew Lazar, Chairman
Foxhill Fire House
50 Second Street
Wilkes-Barre, PA 18702

Luzerne County
Attn: Brian Swetz
20 North Pennsylvania Avenue
Wilkes-Barre, PA 18701

Amerigas Propane
Attn: Candy Bortz
1027 Texas Palmyra Hwy, Suite B
Honesdale, Pa 18431
Phone: 570-253-2409

PPL Electric Utilities Corporation
Attn: Charlotte Krupa
2 North Ninth Street
Allentown, Pa 18101-1179
Phone: 610-774-6287

C. David Pedri, Esq., County Manager
Luzerne County Council
200 North River Street
Wilkes-Barre, Pennsylvania 18711

Gerald Yozwiak, Chairman
Plains Township, Board of Commissioners
126 North Main Street
Plains Township, Pennsylvania 18705

UGI Penn Natural Gas, Inc.
Attn: Gregory Wilk
1 UGI Center
Wilkes-Barre PA 18711-0601
Phone: 570-829-9943

Comcast Cable Communications
Attn: Ronald Pawlowski
1 Comcast Way
Duryea, Pa. 18642-1114
Phone: 570-471-0042

Frontier Communications Solutions
Commonwealth Telephone Company
(COM1)
Attn: Jeff Bolton
100 CTE Drive
P.O. Box 1000
Dallas, Pa. 18612-9774
Phone: 570-631-6710

Pennsylvania American Water
Jeremy Nelson
2699 Stafford Avenue
Scranton, Pa. 18505
Phone: 570-351-0138

A T & T CORP
Attn: Kevin C. Talecki
C/O Treck Group
536 Baltimore Pike
Springfield Pa 19064

Kurt Young
Norfolk Southern Railway Company
3 Commercial Place
Norfolk, VA 23510

Yatesville Borough
Attn: Lorraine Rodeghiero, Secretary
33 Pittston Avenue
Yatesville, PA 18640

City of Wilkes-Barre
Attn: Richard Gazenski, City Administrator
40 East Market Street
Wilkes-Barre, PA 18701

Timothy J. Bentley, Esq.
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9241

Verizon – Right of Way
Attn: Trish Jacobs
40 S. Mercer Street
New Castle, PA 16101

The City of Wilkes-Barre
Attn: William Harris, Planning and Zoning
Director
40 East Market Street
Wilkes-Barre, Pa 18711

Respectfully submitted,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Caroline G. Robelen
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P.O. Box 8212
Harrisburg, PA 17105-8212
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Fax No.: 717/772-2741

DATED: November 20, 2023