

**COMMOWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

BLACKWOOD, INC.

v.

**READING, BLUE MOUNTAIN
AND NORTHERN RAILROAD
COMPANY**

:
:
:
:
:
:
:
:
:
:

Docket Nos. A-2008-2016324-AEL-3/14/24
C-20078010 and ~~A-20082016324~~

Judge F. Joseph Brady

STATUS REPORT

Please allow this report to provide the Status Report of Reading, Blue Mountain and Northern Railroad Company in the above-referenced consolidated matters.

Following a more detailed review of the file since the filing of our most recent status report, counsel for the parties have conferred and have agreed that Docket No. S-1179-2008 is a Local Agency Appeal and that the scope of the review in such appeal is determined by whether a complete record was obtained during the Local Agency proceedings.

Counsel for the parties, who were not counsel of record when the Local Agency Appeal was filed or for several years thereafter, have agreed that there does not appear to be a certified record on the docket at S-1179-2008, so they are not able to confirm if a complete record is available from the Local Agency proceedings. Counsel have agreed to determine if there is a complete record from

the Local Agency, as whether a complete record is available determines the scope of the disposition of the appeal pursuant to the Rules of Administrative Practice and Procedure. If there is not a complete record from the Local Agency, counsel for the parties have agreed to confer regarding the need for additional discovery, and whether such needs to be accomplished by seeking leave of court to pursue discovery in the Local Agency Appeal at S-1179-2008, or whether the matter will be remanded to the Local Agency for further proceedings, in order to assist the Court in reviewing that matter pursuant to the applicable provisions of the Rules of Administrative Practice and Procedure relating to judicial review of a Local Agency decision.

Respectfully Submitted,

/s/ Jennifer Menichini
Lawrence J. Moran, Jr.
Jennifer Menichini
Brendan N. Fitzgerald
Joyce, Carmody & Moran, P.C.
9 North Main Street, Suite 4
Pittston, PA 18640
Ph: (570) 602-3560
Fax: (570) 602-3561
Email: ljm@joycecarmody.com
jm@joycecarmody.com
bnf@joycecarmody.com

DATE: March 13, 2024

*Attorney for Reading Blue Mountain and
Northern Railroad Company*

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

BLACKWOOD, INC.

v.

READING, BLUE MOUNTAIN
AND NORTHERN RAILROAD
COMPANY

:
:
:
:
:
:
:
:

Docket Nos. A-2008-2016324-AEL-3/14/24
C-20078010 and ~~A-20082016324~~

Judge F. Joseph Brady

CERTIFICATE OF SERVICE

I, Jennifer Menichini, hereby certify that I have caused to be served this day a true and correct copy of the foregoing Status Report via email as follows:

Martin J. Cerullo, Esquire
Bowe & Odorizzi Law, LLC
450 W. Market Street
P.O. Box 450
Pottsville, PA 17901
Ph: (570) 622-0767
Fax: (570) 622-0798

Email: marty@boweodorizzilaw.com
Attorney for Blackwood, Inc.

William C. Reiley, Esq.
Garfield Square
510 West Market Street
Pottsville, PA 17901
Via email wcr@reileylaw.law

Benjamin C. Dunlap, Jr., Esq.
Nauman Smith Shissler & Hall
200 North Third Street, 18th Floor
P.O. Box 840
Harrisburg, PA 17108
Via email bdunlapjr@nssh.com
Attorneys for Reilly Township

Michael L. Swindler, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-6369
Via email mwindler@pa.gov
Deputy Chief Prosecutor,
Public Utility Commission Bureau of Investigation and Enforcement

Office of the County Solicitor
Schuylkill County Courthouse
401 North Second Street
Pottsville, PA 17901-2528
Via email groth@co.schuylkill.pa.us
Attorney for Schuylkill County

Respectfully Submitted,

/s/ Jennifer Menichini
Jennifer Menichini

DATE: March 13, 2024