

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Emergency Application of the Department of :
Transportation of the Commonwealth of :
Pennsylvania and City of Pittsburgh for the :
Approval to Abolish the Public Above Grade :
Crossing and Remove the Bridge Carrying the :
Abandoned Cartway of Pittsburgh and West :
Virginia Railway Company :

PREHEARING CONFERENCE ORDER

In accordance with the provisions of 66 Pa.C.S. § 333 and 52 Pa.Code §§ 5.221-5.224, the Commission has scheduled an initial prehearing conference in the above-captioned case.

THEREFORE,

IT IS ORDERED:

1. That an initial call-in prehearing conference shall be held at 1:00 p.m. on Wednesday, May 22, 2024. The call-in information is as follows:

Toll-free Bridge Number: 866-421-8851
PIN Number: 66640466

2. That on or before **Friday, May 17, 2024**, parties shall file and serve initial prehearing conference memoranda which shall address:

- a. A proposed plan and schedule of discovery;
- b. Possibility of settlement;
- c. Issues;
- d. Amount of hearing time needed;
- e. Witnesses;
- f. Schedule for submission of testimony, hearings and briefs; and

g. Any other appropriate matter.

3. That pursuant to 52 Pa.Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. **However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding.** Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).

4. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code § 5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

5. That the parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373. I encourage the parties to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require my participation to resolve. All motions to compel shall contain a certification by counsel setting forth the specific actions the parties have undertaken to resolve their discovery disputes informally. If a motion to compel does not contain this certification, I shall contact the parties and direct them to resolve the matter informally and provide the certification if they are unsuccessful. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

6. That failure of a party to attend the initial prehearing conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and to an order or ruling with respect thereto.

7. That a request for a change of the scheduled initial prehearing conference date shall state the agreement or opposition of other parties, and shall be submitted in writing, via email, no later than five (5) days prior to the initial prehearing conference. Continuances will be granted only for good cause. 52 Pa.Code § 1.15(b). My email address is cpell@pa.gov.

Date: May 9, 2024

/s/
Christopher P. Pell
Deputy Chief Administrative Law Judge

A-2024-3048837 - EMERGENCY APPLICATION OF THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA AND THE CITY OF PITTSBURGH FOR APPROVAL TO ABOLISH THE PUBLIC ABOVE GRADE CROSSING AND REMOVE THE BRIDGE CARRYING THE ABANDONED CARTWAY OF PITTSBURGH & WEST VIRGINIA RAILWAY COMPANY

MICHELE ACITELLI
MANAGER PENNDOT
45 THOMS RUN ROAD
BRIDGEVILLE PA 15017
412.429.3798
miacitelli@pa.gov
Accepts eService

DOUGLAS M SEELEY PE ASSISTANT
DISTRICT EXECUTIVE-DESIGN
PENNDOT ENGINEERING DISTRICT
11-0
45 THOMS RUN ROAD
BRIDGEVILLE PA 15017
412.429.5005
412.429.4891
dseeley@pa.gov
Served by email and USPS First-Class Mail

JEFF SKALICAN DEPUTY DIRECTOR
OF MOBILITY AND INFRASTRUCTURE
CITY OF PITTSBURGH
414 GRANT STREET
CITY COUNTY BUILDING SUITE 301
PITTSBURGH PA 15219
jeff.skalican@pittsburghpa.gov
Served by email and USPS First-Class Mail

KAREN CUMMINGS
PENNDOT
PO BOX 8212
HARRISBURG PA 17105-8212
717.078.73128
kcummings@pa.gov
Accepts eService

DANIEL LEONARD GRADE CROSSING
MANAGER ENGINEER
PENNDOT
PO BOX 3362
400 NORTH STREET
HARRISBURG PA 17105-3362
717.214.4522
Accepts eService

KRYSIA M KUBIAK LEGAL COUNSEL
CITY OF PITTSBURGH LAW
DEPARTMENT
414 GRANT STREET
313 CITY-COUNTY BUILDING
PITTSBURGH PA 15219
412.255.2001
krysia.kubiak@pittsburghpa.gov
Accepts eService

MARK CHAPPELL PE CHIEF OF
UTILITIES & ROW SECTION
COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION
PENNDOT BUREAU OF DESIGN
PO BOX 3362 400 NORTH STREET
HARRISBURG PA 17105-3362
717.787.6934
marchappel@pa.gov
Served by email and USPS First-Class Mail

ERIC SETZLER CHIEF ENGINEER
CITY OF PITTSBURGH
414 GRANT STREET 3RD FLOOR
PITTSBURGH PA 15219
eric.setzler@pittsburghpa.gov
Served by email and USPS First-Class Mail

KACEY O'CONNOR
WHEELING & LAKE ERIE RAILROAD
COMPANY
100 EAST FIRST STREET
BREWSTER OH 44613
koconnor@wlerwy.com
Served by email and USPS First-Class Mail

JEFFERY DAVIS DIRECTOR
WHEELING & LAKE ERIE RAILWAY
COMPANY
100 E 1ST STREET
BREWSTER OH 44613
330.767.7284
jdavisjr@wlerwy.com
Accepts eService

AMIE DOWNS
ALLEGHENY COUNTY
101 COUNTY COURTHOUSE
436 GRANT STREET
PITTSBURGH PA 15219
amie.downs@allegHENYcounty.us
Served by email and USPS First-Class Mail

CHRIS HORNSTEIN ACTING
DIRECTOR DPW
CITY OF PITTSBURGH
414 GRANT STREET 3RD FLOOR
ROOM 301 CITY COUNTY BUILDING
PITTSBURGH PA 15219
chris.horstein@pittsburghpa.gov
Served by email and USPS First-Class Mail

JIM RUNATZ
DUQUESNE LIGHT COMPANY
1901 EDISON STREET
PITTSBURGH PA 15116
jrunatz@duqlight.com
Served by email and USPS First-Class Mail

THEODORE TOTH
VERIZON PA LLC
27 WEST CHURCH ST
UNIONTOWN PA 15401
theodore.m.toth@verizon.com
Served by email and USPS First-Class Mail
ADAM BROMLEY
PA AMERICAN WATER CO
300 GALLEY RAOD
MCMURRAY PA 15317
Adam.bromley@amwater.com
Served by email and USPS First-Class Mail

MICHAEL LICHTÉ
ALCOSAN
3300 PREBLE AVENUE
PITTSBURGH PA 15233
michael.lichte@alcosan.org
Served by email and USPS First-Class Mail

BENJAMIN GRUNAUER
PWSA
PENN LIBERTY PLAZA 1
1200 PENN AVENUE 2ND FLOOR
PITTSBURGH PA 15222
bgrunauer@pgh20.com
Served by email and USPS First-Class Mail

ANTHONY FRANCIONI
COMCAST CABLE COMMUNICATIONS
INC
1530 CHARTIERS AVE
PITTSBURGH PA 15204
anthony_francioni@cable.comcast.com
Served by email and USPS First-Class Mail

STEPHANIE LEWIS
COLUMBIA GAS OFPA
501 TECHNOLOGY DRIVE
CANONSBURG PA 15317
sklewis@nisource.com
Served by email and USPS First-Class Mail

JONATHAN M KAMIN ATTORNEY
GOLDBERG KAMIN & GARVIN LLP
1806 Frick Building
437 GRANT STREET
PITTSBURGH PA 15219
412.281.1119
412.779.4225
jonathank@gkgattorneys.com
Accepts eService

JONATHAN PRESTON
GOLDBERG KAMIN GARVIN LLP
437 GRANT STREET STE 1806
PITTSBURGH PA 15219
412.218.1119
jpreston@gkgattorneys.com
Served by email and USPS First-Class Mail
*(Counsel represents Wabash Properties
LLC)*

JONATHAN M KAMIN ATTORNEY
GOLDBERG KAMIN & GARVIN LLP
1806 FRICK BUILDING
437 GRANT STREET
PITTSBURGH PA 15219
412.281.1119
412.779.4225
jonathank@gkgattorneys.com
Accepts eService
*(Counsel represents Wabash Properties
LLC)*