



3. On or about June 28, 2024, the Railroad Company filed a Formal Complaint with the Commission related to PCPO's Transmission Line and the Railroad Company's Rail Line. The Formal Complaint is docketed at C-2024-3049857.

4. On July 2, 2024, the Commission's Secretary served the Formal Complaint upon Respondent and PENNDOT, with copies to the Railroad Company and its counsel.

5. In the Formal Complaint, the Railroad Company alleged that PCPO's Transmission Line "consisting of aerial occupations on 392 poles over a course of 29 miles situated on Reading & Northern Railroad property, experienced a power line surge that resulted in the damage to automatic crossing control card motion predictor at Reading & Northern public at grade crossing in Tilden Township, Berks County, Mainline MP 75.95 'Industrial Drive.'"

6. The Formal Complaint alleges that upgrades to pole grounding on the Transmission Line are required to prevent alleged crossing, gate, and signal issues at several other crossings along the Railroad Company's Rail Line that are subject to the Commission's jurisdiction, as admitted in the Formal Complaint.

7. Specifically, the Formal Complaint calls for "urgent attention from the PUC" and states that "the PUC must be aware that the safety of the public as well as Reading & Northern Railroad employees is in great danger."

8. Accordingly, based on the Railroad Company's own allegations, this matter is appropriate for an Interim Emergency Order because the need for relief is immediate and requires attention now. *See* 52 Pa. Code § 3.6.

9. PCPO's right to relief here is clear, and it is seeking the Commission's immediate action, including based on the verified facts in the attached Declaration by Patrick J. O'Boyle Jr., Project Manager for PCPO (attached as **Exhibit 1**).

10. Mr. Boyle is familiar with PCPO's Transmission Line and the Railroad Company's Rail Line, and handles projects for the Panther Creek Facility, as well as the Facility's 115 KV Transmission Line. Boyle Declaration ¶¶ 1, 3.

11. Mr. Boyle is also familiar with, and has been involved in, interaction between PCPO and the Railroad Company about the Rail Line and Transmission Line. *Id.* ¶ 4.

12. Based on such interactions recently, especially since filing of the Formal Complaint, there are significant concerns that the Railroad is damaging and intruding upon the Transmission Line, and that the Railroad Company is unduly restricting access at the same time it is alleging under oath that there is an immediate hazard from that Transmission Line.

13. The need for relief is also immediate because the Railroad Company has sought and obtained an injunction against energizing the Transmission Line by making the same allegations in an *Ex Parte* Petition in the Court of Common Pleas of Schuylkill County (Docket No. S-1206-24), although that Court does not have jurisdiction over the crossings or the Railroad Company's claims that railroad safety and vegetation management is impacting crossings, gates, and signals.<sup>1</sup>

14. In two different legal forums, representatives of the Railroad Company and their lawyers represented there was an immediate threat to the Rail Line from the Transmission Line—under oath—including Jolene Busher, who made the Formal Complaint on behalf of the Railroad Company. *See* 52 Pa. Code §§ 1.36, 5.22 (requiring verification).

---

<sup>1</sup> That Court lacks jurisdiction which belongs to the Commission. *See* 66 Pa. C.S. § 2702(b), (f); 52 Pa. Code § 33.54; 49 C.F.R. § 213.37 (“Vegetation on railroad property which is on or immediately adjacent to roadbed shall be controlled so that it does not . . . Prevent proper functioning of signal and communication lines.”).

15. Although Jolene Busher’s verified allegations are directly contradicted by her own words to PCPO,<sup>2</sup> and the Railroad Company has not identified specific safety issues or their locations since filing the complaints (despite repeated requests), PCPO—unlike the Railroad Company—is taking responsible actions to respond to the complaints.

16. For example, on July 11, 2024, Mr. Boyle attended an inspection (“Inspection”) that occurred along the length of the Transmission Line for the extent it runs along the Rail Line. *Id.* ¶ 8.

17. During the Inspection, Mr. Boyle observed the following 12 Transmission Line poles that had severed grounding wires or were otherwise damaged, including as illustrated in the photographs that he personally took during the Inspection:

- Pole 472
- Pole 457
- Pole 412
- Pole 383
- Pole 380
- Pole 376
- Pole 349
- Pole 330
- Pole 311
- Pole 291
- Pole 274
- Pole 124

*Id.* ¶ 9 and Ex. A.

---

<sup>2</sup> Jolene Busher stated in the Formal Complaint that “nothing has been done by [PCPO] to upgrade their facilities” after a 2023 engineer report, yet failed to attach that report. And yet, she also sent the emails attached to this Petition as **Exhibit 2** and **Exhibit 3** acknowledging that such upgrades did, indeed, occur. As shown in these Exhibits, with respect to grounding work, on December 6, 2023, Ms. Busher stated: “Thank you for PC[PO]’s completion of facility repairs that took place last week.” With respect to vegetation management, on June 24, 2024, just four days before she filed the Formal Complaint, Ms. Busher stated the following with respect to PCPO’s tree branch trimming around overhead lines: “Thank you for yours and Keith’s team on the vegetation management, everything turned out well!” (emphasis in original).

18. During the Inspection, Mr. Boyle also observed the ground trimming apparatus of the Railroad or its agents, and its unprotected and uncovered blade, as illustrated in the photographs that he personally took during the Inspection. *Id.* ¶ 10 and Ex. B.

19. Based on Mr. Boyle's observations in person, as illustrated in the photographs, it appeared that someone had either intentionally cut the grounding wires (e.g., vandalism), or they were unintentionally or carelessly severed by a blade or sharp object (e.g., by the ground trimming apparatus used by the Railroad Company or its agents). *Id.* ¶ 11.

20. During the Inspection and the continuation of it on July 12, 2024, which Mr. Boyle attended, the Railroad Company or its agents began blocking access to workers who were trying to make repairs to the Transmission Line. *Id.* ¶ 12.

21. PCPO intends to continue to investigate as needed, make repairs as typical upkeep (as it has done with the grounding wires), needs access and cooperation from the Railroad Company, and needs to ensure its grounding and poles are not repeatedly damaged while such an immediate hazard has been alleged under oath by the Railroad Company.

22. In addition, PCPO intends to continue to investigate as needed to ensure no other intrusions by the Railroad Company have occurred, and reserves all rights to amend or supplement this Petition as the investigation continues and expert findings become available, and raise all claims and defenses in its response to the Formal Complaint.<sup>3</sup>

23. For example, the Railroad Company or its agents performed multiple projects to extend the railroad track closer to the Transmission Line in certain locations along the Railroad Line. *Id.* ¶ 5.

---

<sup>3</sup> PCPO's response to the Formal Complaint is not yet due, and PCPO reserves the right to raise all claims and defenses in its forthcoming response.

24. In or about January 2020, the Railroad Company or its agents performed a project to extend rail siding or add track between preexisting track and the Transmission Line, approximately between Poles 458-475 near Hamburg. *Id.* ¶ 6.

25. In or about July 2020, the Railroad Company or its agents performed a project to extend rail siding or add track between preexisting track and the Transmission Line, approximately between Poles 124-137 near Tamaqua. *Id.* ¶ 7.

26. PCPO welcomes the Commission's investigation in tandem with what PCPO has done to date, including to facilitate continued access and identification of any alleged concerns the Railroad Company may raise.

27. The need for relief is immediate and the injury would be irreparable if the relief is not granted because continued deterioration of the Transmission Line can and will occur if the Railroad Company continues to use an unprotected, uncovered, or unguarded blade for trimming ground brush around the pole lines, and then restrict access and fail to identify issues as it has done.

28. The relief requested is not injurious to the public interest and, in fact, only serves to protect the public by ensuring properly functioning Transmission Lines and Rail Lines.

**WHEREFORE**, based on the foregoing, PCPO respectfully requests an interim emergency order addressing the relief requested in this Petition, including an order requiring that:

- a. The Railroad Company and its agents are prohibited from using ground brush trimming equipment with an unprotected, uncovered, or unguarded blade (or other similar equipment that could damage the Transmission Line) near the Transmission Line's poles, wires, and other infrastructure.

- b. The Railroad Company shall, upon 12 hours' prior notice, grant PCPO and its experts, agents, and representatives (i) all access to the Transmission Line and the Rail Line necessary to inspect both, and (ii) to verify there are no hazards remaining as alleged in the Formal Complaint to the extent they exist or, alternatively, to remedy any such hazards that might exist so that this matter can be resolved. PCPO shall have such access for the duration of this proceeding (C-2024-3049857) or any other proceeding where similar allegations to those in the Formal Complaint have been raised by the Railroad Company, unless and until the Railroad Company confirms in writing to PCPO that all alleged hazards have been adequately addressed. As part of such access, the Railroad Company shall provide PCPO and its experts, agents, and representatives all cooperation necessary, such as rail line vehicles, to allow for a complete and thorough inspection of the Transmission Line and Rail Line.
- c. A hearing will be scheduled within 10 days in accordance with Commission rules at 52 Pa. Code § 3.6a.

Respectfully Submitted,

**SAXTON & STUMP, LLC**



Date: July 12, 2024

---

Seth A. Mendelsohn, Esquire  
Attorney ID No. 77063  
Jason T. Confair, Esquire,  
Attorney I.D. No. 206729  
Stephen J. Matzura  
Attorney I.D. No. 309546  
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[jconfair@saxtonstump.com](mailto:jconfair@saxtonstump.com)  
[smatzura@saxtonstump.com](mailto:smatzura@saxtonstump.com)  
Attorneys for Respondent

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

READING & NORTHERN RAILROAD :  
Complainant :  
 :  
 :  
 :  
v. :  
 : Docket No. C-2024-3049857  
 :  
PANTHER CREEK OPERATING LLC, :  
Respondent. :  
 :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Petition for Interim Emergency Order Under 52 Pa. Code § 3.6 has been served via first-class mail upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Lawrence Moran, Esquire  
Joyce Carmody & Moran, PC  
9 North Main Street, Suite 4  
Pittston, PA 18640

Reading & Northern Railroad  
C/O Jolene Busher  
1 Railroad Blvd  
Port Clinton, PA 19549

Karen Cummings  
PENNDOT  
PO Box 8212  
Harrisburg, PA 17105

Honorable Charles E. Rainey Jr., Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Allison Kaster,  
Director, Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission

400 North Street  
Harrisburg, PA 17120

Patrick M. Cicero Esq.  
Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor Forum Place  
Harrisburg, PA 17101-1923

NazAazah Sabree  
Small Business Advocate  
Office of Pennsylvania Small Business Advocate  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101



Date: July 12, 2024

---

Seth A. Mendelsohn, Esq.

# EXHIBIT 1

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

READING & NORTHERN RAILROAD,	:	
Complainant	:	
	:	
	:	
v.	:	
	:	Docket No. C-2024-3049857
	:	
PANTHER CREEK OPERATING LLC,	:	
Respondent.	:	
	:	

**DECLARATION OF PATRICK J. O’BOYLE JR.**

I, Patrick J. O’Boyle Jr., hereby affirm that the following information is true and correct to the best of my knowledge and belief.

1. I am a Project Manager for Panther Creek Power Operating, LLC (“PCPO”) and handle projects for the Panther Creek Facility located at 4 Dennison Road, Nesquehoning, PA 18240-2242, as well as the Facility’s 115 KV transmission line in the PJM market area (“Transmission Line”).

2. The delivery point for electricity generation from the Panther Creek Facility is MetEd\_RESID\_AGG.

3. I am familiar with PCPO’s Transmission Line and the rail line identified in the PUC Complaint filed in the above-referenced docket (“Rail Line”) by Reading & Northern Railroad (“Railroad Company”).

4. I am also familiar with, and have been involved in, interaction between PCPO and the Railroad Company about the Rail Line and Transmission Line.

5. I am aware that the Railroad Company or its agents performed multiple projects to extend the railroad track closer to the Transmission Line in certain locations along the Railroad Line.

6. For example, I am aware that, in or about January 2020, the Railroad Company or its agents performed a project to extend rail siding or add track between preexisting track and the Transmission Line, approximately between Poles 458-475 near Hamburg.

7. I am also aware that, in or about July 2020, the Railroad Company or its agents performed a project to extend rail siding or add track between preexisting track and the Transmission Line, approximately between Poles 124-137 near Tamaqua.

8. On July 11, 2024, I attended an inspection (“Inspection”) that occurred along the length of the Transmission Line for the extent it runs along the Rail Line.

9. During the Inspection, I observed the following 12 Transmission Line poles that had severed grounding wires or were otherwise damaged as illustrated in the photographs that I personally took during the Inspection (attached at Exhibit A, some of which are after repair):

- Pole 472
- Pole 457
- Pole 412
- Pole 383
- Pole 380
- Pole 376
- Pole 349
- Pole 330
- Pole 311
- Pole 291
- Pole 274
- Pole 124

10. During the Inspection, I also observed the ground trimming apparatus of the Railroad or its agents, and its unprotected and uncovered blade, as illustrated in the photographs that I personally took during the Inspection (attached at Exhibit B).

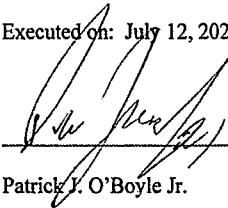
11. Based on my observations in person, as illustrated in the photographs, it appeared that someone had either intentionally cut the grounding wires (e.g., vandalism), or they were

unintentionally or carelessly severed by a blade or sharp object (e.g., by the ground trimming apparatus used by the Railroad Company or its agents).

12. During the Inspection and the continuation of it on July 12, 2024, which I attended, the Railroad Company or its agents began blocking access to workers who were trying to make repairs to the Transmission Line.

I declare that the foregoing is true and correct to the best of my knowledge, information, and belief, and is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Executed on: July 12, 2024



---

Patrick J. O'Boyle Jr.

# **EXHIBIT A**





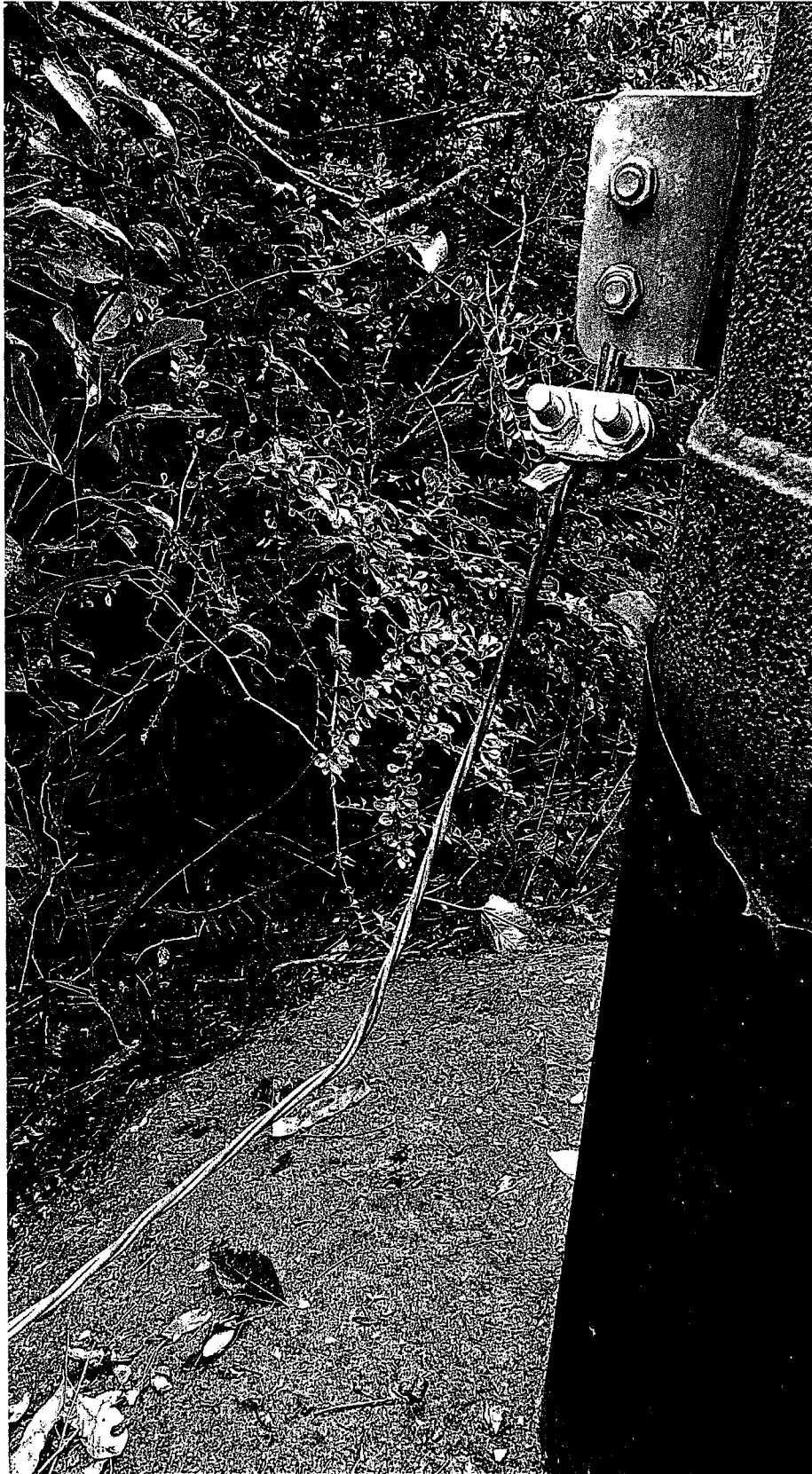
349

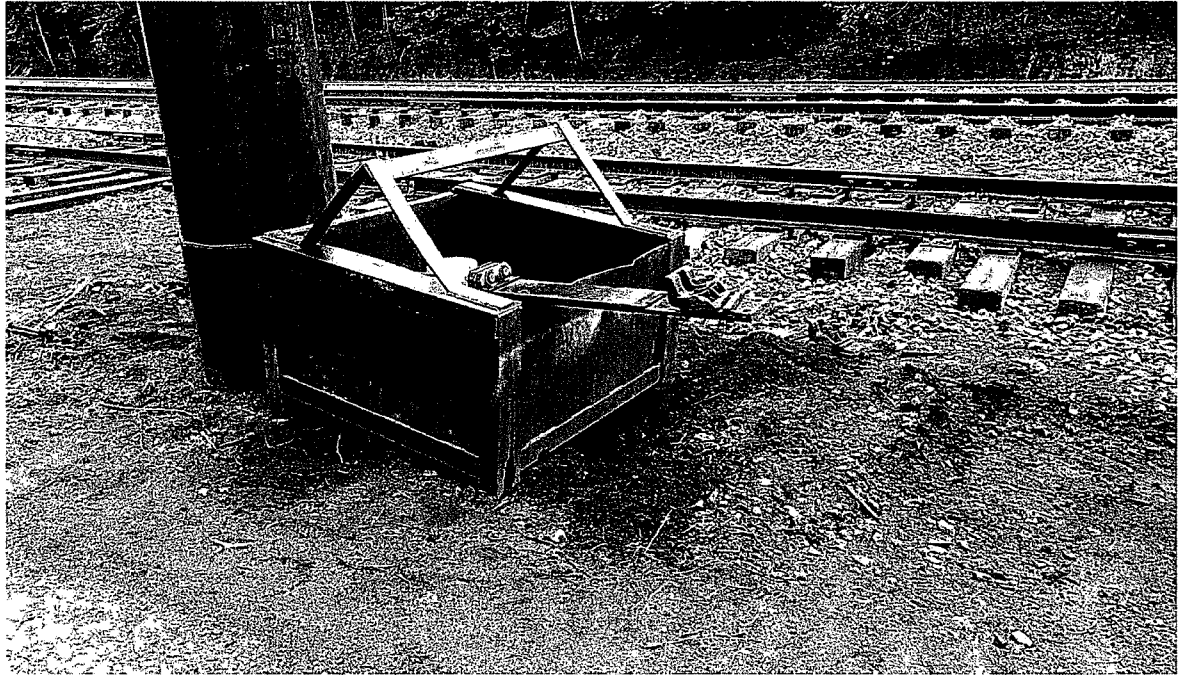
**NO TRESPASSING**  
THIS RAILROAD AND ALL LANDS  
CONNECTED THEREWITH ARE  
PRIVATE PROPERTY. ALL PERSONS  
ARE WARNED NOT TO TRESPASS.  
R. B. M. & N. TR. CO.

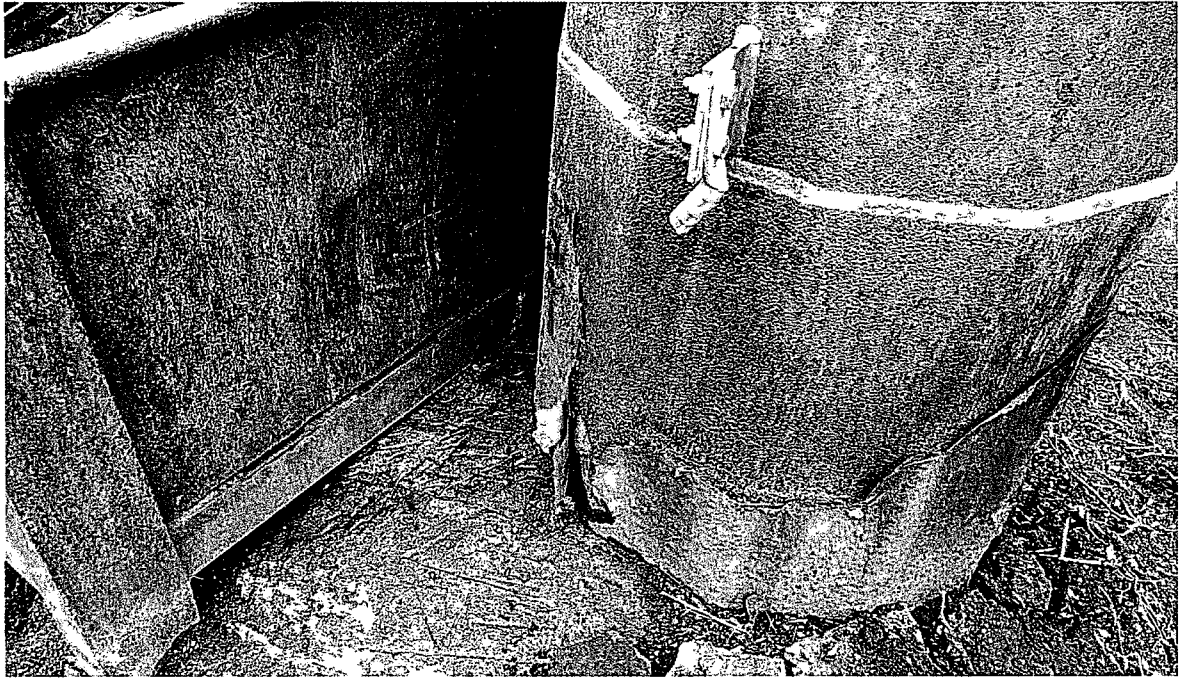


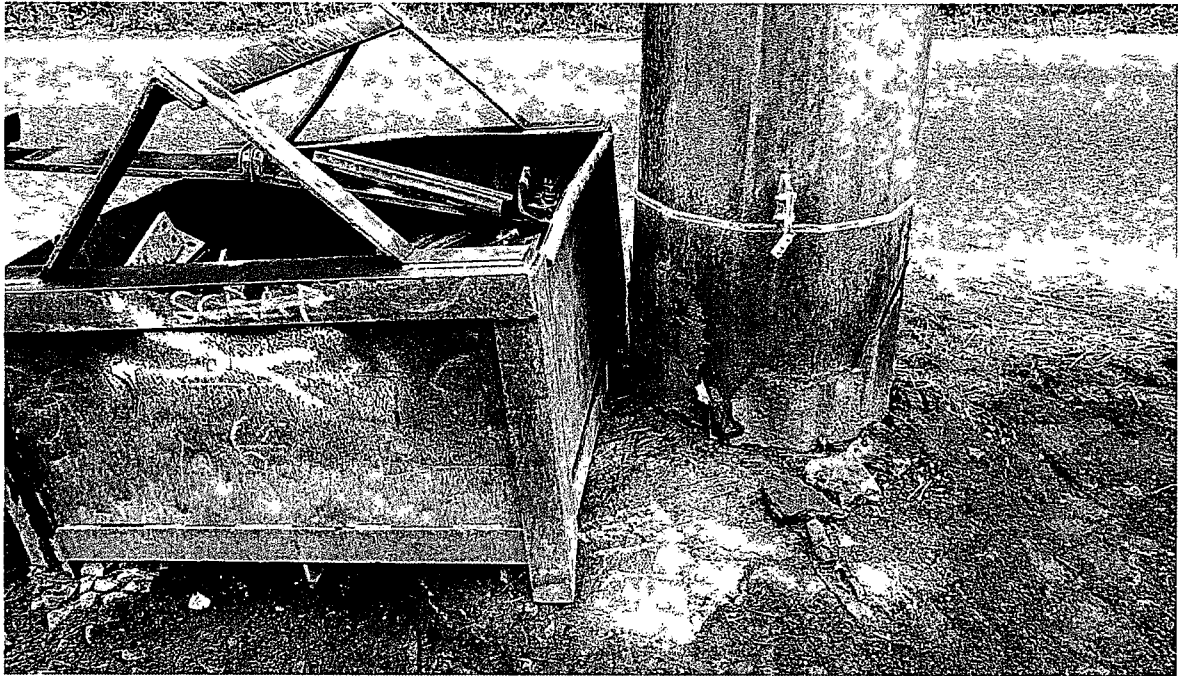






















## **EXHIBIT B**







# EXHIBIT 2

---

**From:** Matthew Smith <matthew.smith@sdig.com>  
**Sent:** Friday, July 5, 2024 11:59 AM  
**To:** David Hawk <dhawk@panthercreekenergy.com>; Matt Usdin <Matt Usdin@sdig.com>;  
rj shaffer@scrubgrass.com <rj shaffer@scrubgrass.com>  
**Subject:** RE: Panther Creek

Thank you, David

**From:** David Hawk <dhawk@panthercreekenergy.com>  
**Sent:** Friday, July 5, 2024 11:56 AM  
**To:** Matt Usdin <Matt Usdin@sdig.com>, Matthew Smith <matthew.smith@sdig.com>;  
rj.shaffer@scrubgrass.com  
**Subject:** Fwd Panther Creek

Sent from my iPhone

Begin forwarded message:

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Date:** June 24, 2024 at 10:22:17 AM EDT  
**To:** David Hawk <dhawk@panthercreekenergy.com>  
**Subject:** RE: Panther Creek

Thank you David, your collaboration on this was much appreciated!  
We will be submitting the Behavior Money return to finance today.

Thank you!  
Jolene

**From:** David Hawk <dhawk@panthercreekenergy.com>  
**Sent:** Monday, June 24, 2024 10 10 AM  
**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Subject:** RE Panther Creek

Jolene,

We are good on the inspector fees. We pre-paid the RR for inspectors for 19 days, and Penn Line worked a total of 25. We are satisfied, and thankful, with you providing the inspectors for the extra days to perform the additional cutting and the log cleanup you requested.

We do not request any reimbursement on inspector fees.

Thank you.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
4 Dennison Rd  
Nesquehoning, PA 18240  
O: (570) 645-8721 x201  
F: (570) 645-9763  
C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Sent:** Monday, June 24, 2024 10 02  
**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Subject:** RE. Panther Creek

Good morning David,

Thank you for yours and Keith's team on the vegetation management, everything turned out well!

We will be submitting for the Behavior Money reimbursement today, but do you know how many days we should be submitting for the inspector fee reimbursement that we exchanged for Keith's extra tree clearing in Port Clinton as well?

Thank you,

**Jolene F. Busher**  
Assistant VP Real Estate  
Real Estate Division | Reading & Northern Railroad  
1 Railroad BLVD  
Port Clinton, Pennsylvania 19549  
610-562-2100 office | 484-332-1005 cell  
<http://www.rbmnrr.com/asset-management>

<image001.png>

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**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>

**Sent:** Monday, June 10, 2024 1 50 PM

**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Subject:** RE Panther Creek

Jolene,

I just talked to Keith. He said Saturday went very well, thank you. He anticipates finishing up north of the crossing on Friday. He may be able to start on the south side climbing on Friday already, if they have time. Then continue starting on Monday to finish. I think he anticipates 3-4 days total on the south side.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
4 Dennison Rd  
Nesquehoning, PA 18240  
O: (570) 645-8721 x201  
F: (570) 645-9763  
C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Sent:** Monday, June 10, 2024 13 42

**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>

**Subject:** RE. Panther Creek

Thank you David!

**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>

**Sent:** Monday, June 10, 2024 1 37 PM

**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Subject:** RE Panther Creek

Hi Jolene,

Thank you.  
I will pass along to PennLine.  
I do not think we need anything more from you at this time.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
4 Dennison Rd  
Nesquehoning, PA 18240  
O: (570) 645-8721 x201  
F: (570) 645-9763  
C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Sent:** Monday, June 10, 2024 13:34  
**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Subject:** RE: Panther Creek

Hello David,

Thank you for working with us on this request.  
We are agreeable to waiving inspector fees to cover the additional trees we are requesting.

Is there anything you need from me to move forward on this?

Thank you,

**Jolene F. Busher**  
Assistant VP Real Estate  
Real Estate Division | Reading & Northern Railroad  
1 Railroad BLVD  
Port Clinton, Pennsylvania 19549  
610-562-2100 office | 484-332-1005 cell  
<http://www.rbmrr.com/asset-management>

<image001.png>

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**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Sent:** Thursday, June 6, 2024 5:38 PM

**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Subject:** RE Panther Creek

Jolene,

Yes, we still want to make up the work this Saturday, 6/8.

We are only asking that you waive inspector/access fees for any days over the pre-paid 19 that are spent on those 2 spans. Nothing retroactive.

**Keith Bonfanti**

**Tree and Right-of-Way Railroad Division Supervisor**

**708-767-4796-Cell**

**[kbonfanti@pennline.com](mailto:kbonfanti@pennline.com)**

**Penn Line Tree Service, Inc**

**300 Scottdale Ave**

**Scottdale, PA 15683**

**<image002.png>**

Thanks.

David A. Hawk

Plant Manager

Panther Creek Energy Services, LLC

4 Dennison Rd

Nesquehoning, PA 18240

O: (570) 645-8721 x201

F: (570) 645-9763

C: (484) 629-5724

**[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)**

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Sent:** Thursday, June 6, 2024 15.20

**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>

**Subject:** RE Panther Creek

Hello David,

We have inspector availability for this Saturday, does PC still plan on making up work on Saturday?

I have a question as well about PC's proposal on the tree cutting, is PC requesting the waiving of inspector fees for the days in which the additional trees we requested to be cut are cut, or waiving of inspector fees for the entirety of the vegetation management that has

already taken place?

Do you have a contact with PennLines you would be willing to share with me so that we can reach out to them about the trees outside of PC's responsibility in Port Clinton?

Thank you David,

Jolene

**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Sent:** Wednesday, June 5, 2024 4 53 PM  
**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Subject:** RE Panther Creek

Thanks, Jolene.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
4 Dennison Rd  
Nesquehoning, PA 18240  
O: (570) 645-8721 x201  
F: (570) 645-9763  
C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Sent:** Wednesday, June 5, 2024 15.50  
**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Cc:** Derrick Keener <[DKeener@readingnorthern.com](mailto:DKeener@readingnorthern.com)>  
**Subject:** RE. Panther Creek

Hello David, thank you for the notice about tomorrow, we will find out Saturday availability as well.

I am about to step out of the office but I will reach out to you tomorrow about the Saturday availability and your other items as well.

Thank you!

Jolene

**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Sent:** Wednesday, June 5, 2024 3 44 PM  
**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Subject:** Panther Creek

Jolene,

Good afternoon. I met with Keith from PennLine and Phil down at the Broad Street crossing in Port Clinton this afternoon.

2 questions.

1. Thursday 6/6 Rain Date

PennLine is cancelling tomorrow, Thursday 6/6, due to the thunderstorms forecasted overnight tonight into late tomorrow morning and again early tomorrow afternoon. Can we use Saturday 6/8 as a make-up day north of the crossing in the area they are currently working? We are already paying the short/notice inspector fee which is the same as the weekend rate. And perhaps your activity north of the crossing may be less on a weekend?

2. Spans 435-437 South of Broad Street Crossing

These 2 spans were cut within the last 1-2 years. The present condition does not pose an immediate concern to our transmission line. I acknowledge that these spans would need to be cut again in the next couple of years. As such, Panther Creek would be willing to cut these 2 spans now, also addressing your marked trees within these 2 spans, at our cost, provided the RBMN RR waives any fees for access, inspectors, etc. and will allow bucket trucks to park on the roadway, maintaining a lane of travel, and not driving on the grass.

As to the marked trees along your parking area south of pole #437, these trees are too far removed from our transmission line to warrant our need to address them. Any cutting south of Pole #437 would need to be arranged directly between the RBMN RR and PennLine.

Please advise on:

- Receipt of the cancellation for Thursday 6/6
- Use of Saturday 6/8 as a make-up day
- Agreement on my proposal to cut spans 435-437

Thank you.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
4 Dennison Rd  
Nesquehoning, PA 18240

O: (570) 645-8721 x201  
F: (570) 645-9763  
C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

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# EXHIBIT 3

**From:** [David Hawk](#)  
**To:** [Matt Usdin](#); [Matthew Smith](#); [ri.shaffer@scrubgrass.com](mailto:ri.shaffer@scrubgrass.com)  
**Subject:** Fwd. Panther Creek  
**Date:** Friday, July 5, 2024 11:55:03 AM

---

Sent from my iPhone

Begin forwarded message:

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Date:** June 24, 2024 at 10:22:17 AM EDT  
**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Subject:** RE: Panther Creek

Thank you David, your collaboration on this was much appreciated!  
We will be submitting the Behavior Money return to finance today.

Thank you!  
Jolene

**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Sent:** Monday, June 24, 2024 10:10 AM  
**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Subject:** RE: Panther Creek

Jolene,

We are good on the inspector fees. We pre-paid the RR for inspectors for 19 days, and Penn Line worked a total of 25. We are satisfied, and thankful, with you providing the inspectors for the extra days to perform the additional cutting and the log cleanup you requested.

We do not request any reimbursement on inspector fees.

Thank you.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
4 Dennison Rd  
Nesquehoning, PA 18240  
O: (570) 645-8721 x201

F: (570) 645-9763  
C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Sent:** Monday, June 24, 2024 10 02  
**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Subject:** RE: Panther Creek

Good morning David,

Thank you for yours and Keith's team on the vegetation management, everything turned out well!

We will be submitting for the Behavior Money reimbursement today, but do you know how many days we should be submitting for the inspector fee reimbursement that we exchanged for Keith's extra tree clearing in Port Clinton as well?

Thank you,

**Jolene F. Busher**  
Assistant VP Real Estate  
Real Estate Division | Reading & Northern Railroad  
1 Railroad BLVD  
Port Clinton, Pennsylvania 19549  
610-562-2100 office | 484-332-1005 cell  
<http://www.rbmnr.com/asset-management>

<image001.png>

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**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Sent:** Monday, June 10, 2024 1 50 PM  
**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Subject:** RE: Panther Creek

Jolene,

I just talked to Keith. He said Saturday went very well, thank you. He anticipates finishing up north of the crossing on Friday. He may be able to start on the south side climbing on Friday already, if they have time. Then continue starting on Monday to finish.

I think he anticipates 3-4 days total on the south side.

David A. Hawk  
Plant Manager  
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[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Sent:** Monday, June 10, 2024 13:42  
**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Subject:** RE Panther Creek

Thank you David!

**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Sent:** Monday, June 10, 2024 1:37 PM  
**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Subject:** RE Panther Creek

Hi Jolene,

Thank you.

I will pass along to PennLine.

I do not think we need anything more from you at this time.

David A. Hawk  
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C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Sent:** Monday, June 10, 2024 13:34  
**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>

**Subject:** RE Panther Creek

Hello David,

Thank you for working with us on this request.

We are agreeable to waiving inspector fees to cover the additional trees we are requesting.

Is there anything you need from me to move forward on this?

Thank you,

**Jolene F. Busher**

Assistant VP Real Estate

Real Estate Division | Reading & Northern Railroad

1 Railroad BLVD

Port Clinton, Pennsylvania 19549

610-562-2100 office | 484-332-1005 cell

<http://www.rbmnrr.com/asset-management>

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**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>

**Sent:** Thursday, June 6, 2024 5:38 PM

**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Subject:** RE Panther Creek

Jolene,

Yes, we still want to make up the work this Saturday, 6/8.

We are only asking that you waive inspector/access fees for any days over the pre-paid 19 that are spent on those 2 spans. Nothing retroactive.

**Keith Bonfanti**

**Tree and Right-of-Way Railroad Division Supervisor**

**708-767-4796-Cell**

**[kbonfanti@pennline.com](mailto:kbonfanti@pennline.com)**

**Penn Line Tree Service, Inc**

**300 Scottdale Ave**

Scottsdale, PA 15683

<image002.png>

Thanks.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
4 Dennison Rd  
Nesquehoning, PA 18240  
O: (570) 645-8721 x201  
F: (570) 645-9763  
C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Sent:** Thursday, June 6, 2024 15:20

**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>

**Subject:** RE: Panther Creek

Hello David,

We have inspector availability for this Saturday, does PC still plan on making up work on Saturday?

I have a question as well about PC's proposal on the tree cutting, is PC requesting the waiving of inspector fees for the days in which the additional trees we requested to be cut are cut, or waiving of inspector fees for the entirety of the vegetation management that has already taken place?

Do you have a contact with PennLines you would be willing to share with me so that we can reach out to them about the trees outside of PC's responsibility in Port Clinton?

Thank you David,

Jolene

**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>

**Sent:** Wednesday, June 5, 2024 4:53 PM

**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>

**Subject:** RE: Panther Creek

Thanks, Jolene.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
4 Dennison Rd  
Nesquehoning, PA 18240  
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F: (570) 645-9763  
C: (484) 629-5724  
[DHawk@PantherCreekEnergy.com](mailto:DHawk@PantherCreekEnergy.com)

**From:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Sent:** Wednesday, June 5, 2024 15:50  
**To:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Cc:** Derrick Keener <[DKeener@readingnorthern.com](mailto:DKeener@readingnorthern.com)>  
**Subject:** RE: Panther Creek

Hello David, thank you for the notice about tomorrow, we will find out Saturday availability as well.

I am about to step out of the office but I will reach out to you tomorrow about the Saturday availability and your other items as well.

Thank you!  
Jolene

**From:** David Hawk <[dhawk@panthercreekenergy.com](mailto:dhawk@panthercreekenergy.com)>  
**Sent:** Wednesday, June 5, 2024 3:44 PM  
**To:** Jolene Busher <[JBusher@readingnorthern.com](mailto:JBusher@readingnorthern.com)>  
**Subject:** Panther Creek

Jolene,

Good afternoon. I met with Keith from PennLine and Phil down at the Broad Street crossing in Port Clinton this afternoon.

2 questions.

1. Thursday 6/6 Rain Date

PennLine is cancelling tomorrow, Thursday 6/6, due to the thunderstorms forecasted overnight tonight into late tomorrow morning and again early tomorrow afternoon. Can we use Saturday 6/8 as a make-up day north of the crossing in the area they are currently working? We are already paying the short/notice inspector fee which is the same as the weekend rate. And

perhaps your activity north of the crossing may be less on a weekend?

2. Spans 435-437 South of Broad Street Crossing

These 2 spans were cut within the last 1-2 years. The present condition does not pose an immediate concern to our transmission line. I acknowledge that these spans would need to be cut again in the next couple of years. As such, Panther Creek would be willing to cut these 2 spans now, also addressing your marked trees within these 2 spans, at our cost, provided the RBMN RR waives any fees for access, inspectors, etc. and will allow bucket trucks to park on the roadway, maintaining a lane of travel, and not driving on the grass.

As to the marked trees along your parking area south of pole #437, these trees are too far removed from our transmission line to warrant our need to address them. Any cutting south of Pole #437 would need to be arranged directly between the RBMN RR and PennLine.

Please advise on:

- Receipt of the cancellation for Thursday 6/6
- Use of Saturday 6/8 as a make-up day
- Agreement on my proposal to cut spans 435-437

Thank you.

David A. Hawk  
Plant Manager  
Panther Creek Energy Services, LLC  
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