



**COMMONWEALTH OF PENNSYLVANIA**  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE  
REFER TO OUR FILE  
A-2024-3050940

October 1, 2024

**TO ALL PARTIES OF RECORD**

Application of Windstream Kinetic Fiber Northeast, LLC for approval to alter the public crossing (DOT 471 937 E) by installing a fiber optic line in an underground conduit where West Middle Road (Township Road 539) crosses, at-grade, a track of Norfolk Southern Railway Company in Girard Borough, Erie County.

To Whom It May Concern:

By application filed with the Commission on August 28, 2024, Windstream Kinetic Fiber Northeast, LLC, is seeking approval to alter the public crossing (DOT 471 937 E) by installing a fiber optic line in an underground conduit where West Middle Road (Township Road 539) crosses, at-grade, a track of Norfolk Southern Railway Company in Girard Borough, Erie County.

Windstream Kinetic Fiber Northeast, LLC proposes to install a new 6” diameter underground conduit containing a fiber optic cable under the subject crossing by horizontal boring. The minimum vertical cover over the conduit from the base of the existing railroad track will be 15-feet 0 inches, as shown on the plans.

The Commission hereby establishes its jurisdictional limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way.

In its application, Windstream Kinetic Fiber Northeast, LLC states that the proposed installation is necessary due to customer growth and system integrity. Windstream Kinetic Fiber Northeast, LLC will be directed to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for the facilities, at its sole cost and expense. The cost of the project is anticipated to be approximately \$20,000.

All work is to be performed in accordance with the plans entitled: “NORFOLK SOUTHERN CROSSING #471 937 N 41.994471 W 80.362970 GIRARD TWP ERIE COUNTY, PA” consisting of two (2) sheets submitted to the Commission with the application.

Windstream Kinetic Fiber Northeast, LLC has served a copy of the application and plans on Pennsylvania Department of Transportation, Norfolk Southern Railway Company, Just Energy, the Borough of Lake City, Girard Borough and Erie County. All of the listed parties in interest were queried by letter sent by electronic mail on September 6, 2024, as to any objection to the subject application and plans. None of the parties have responded with any objection to the subject application or plans.

The Commission has exclusive jurisdiction in crossing alterations and is the final arbiter of any fees associated with a crossing application. Any conditions, including fees associated with a crossing application, must be approved by the Commission.

Upon full consideration of the matters involved, we find that a hearing is not necessary and that a Secretarial Letter may be issued approving the application.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Windstream Kinetic Fiber Northeast, LLC is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossing (DOT 471 937 E) be altered by installing a fiber optic line in an underground conduit where West Middle Road (Township Road 539) crosses, at-grade, a track of Norfolk Southern Railway Company in Girard Borough, Erie County, generally in accordance with the installation plan entitled: "NORFOLK SOUTHERN CROSSING #471 937 N 41.994471 W 80.362970 GIRARD TWP ERIE COUNTY, PA," consisting of two (2) sheets provided to the Commission on August 28, 2024; which plan is made part hereof and is hereby approved except insofar as it may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.
3. Windstream Kinetic Fiber Northeast, LLC, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by installing a new 6" diameter underground conduit containing a fiber optic cable under the subject crossing by horizontal boring, all in accordance with the approved plan and this Secretarial Letter.
4. Windstream Kinetic Fiber Northeast, LLC, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.

5. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than Windstream Kinetic Fiber Northeast, LLC, which may be required as incidental to the alteration of the crossing, be made by said public utility at its initial cost, and in such a manner as will not interfere with the alteration of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility, at its sole cost and expense.

6. Norfolk Southern Railway Company, at the sole cost and expense of Windstream Kinetic Fiber Northeast, LLC, furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any watchmen, flagmen, inspectors and/or engineering services that may be deemed necessary to protect the railroad's operations or facilities during the time the facilities are being installed.

7. Windstream Kinetic Fiber Northeast, LLC, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved plans and this Secretarial Letter.

8. The alteration of the crossing be completed on or before October 31, 2025, and that on or before said date Windstream Kinetic Fiber Northeast, LLC, 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.

9. Windstream Kinetic Fiber Northeast, LLC, at its sole cost and expense, pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

10. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced, and so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

11. Windstream Kinetic Fiber Northeast, LLC, cooperate with the non-carrier utilities involved, so that during the alteration of the involved crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

12. Windstream Kinetic Fiber Northeast, LLC, at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

13. Upon completion of the alteration of the crossing, Windstream Kinetic Fiber Northeast, LLC, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain their conduit and fiber optic cable and any ancillary facilities installed in accordance with the approved plans and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing, including the flashing-light warning signals and to maintain at all times in a safe, smooth and satisfactory condition the crossing surface for the full width of the roadway and shoulders for a distance of twenty-four (24) inches beyond the outermost rails, all in accordance with this Secretarial Letter; and provide Girard Borough at least ten (10) business days advance notice when performing any work as directed by this paragraph.

15. Upon completion of the alteration of the crossing, Girard Borough, at its sole cost and expense, furnish all material and do all work necessary to maintain its approach roadway to a point 24-inches beyond the outermost rail, and in addition, maintain the grade crossing advance warning sign and stop line on the approaches to the subject crossing, all in accordance with this Secretarial Letter; and provide Norfolk Southern Railway Company, at least ten (10) business days advance notice when performing any work as directed by this paragraph.

16. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any remaining costs incurred by the non-carrier utility companies and other matters relevant to this proceeding.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

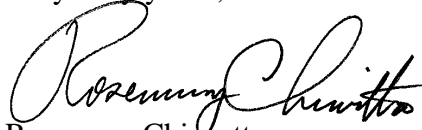
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an eFiling account through the Commission's website (the account is free of charge) and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>.

If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority, or certified mail to allow tracking of your filing.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right-hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta  
Secretary