

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of Transportation : A-2022-3031613  
of the Commonwealth of Pennsylvania for :  
approval to alter the public above grade crossing :  
by the replacement of the existing bridge carrying :  
State Route 0011 (West King Street) over track :  
of Norfolk Southern Railway Company :  
(DOT 592 122 M) in Shippensburg Borough and :  
Southampton Township, Franklin County, and :  
the allocation of costs incident thereto. :

Application of Pennsylvania Department of : A-2024-3045709  
Transportation for approval to alter two (2) :  
Public crossings by the rehabilitation of the :  
existing bridge where State Route 0018 :  
(Seventh Avenue) crosses, above grade, one :  
(1) track of Norfolk Southern Railway :  
Company (DOT 503 768 L) located in New :  
Brighton Borough and two (2) tracks of CSX :  
Transportation, Inc. (DOT 584 878 T) located :  
in the City of Beaver Falls, all in Beaver County, :  
and the allocation of costs incident thereto. :

**PREHEARING CONFERENCE ORDER**

AND NOW, this 15<sup>th</sup> day of November, 2024, it is hereby ORDERED:

1. **DATE AND TIME OF HEARING.** A telephonic prehearing conference will be held for these cases on:

**Friday, December 13, 2024, beginning at 10:00 AM.**

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you

have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

**Toll-free Bridge Telephone Number: 877.874.1047**

**PIN Number: 11738422**

**2. MEMORANDUM.** That on or before Wednesday, December 11, 2024, parties shall file and serve initial prehearing conference memoranda which shall address:

- a. The history of the proceedings;
- b. A list of issues and sub-issues in the proceedings and your position on each;
- c. A proposed plan and schedule of discovery;
- d. A listing of your proposed witnesses and the subject of their testimony;
- e. Your position on the consolidation of the proceedings;
- f. The possibility of settlement;
- g. The amount of hearing time needed;
- h. A proposed litigation schedule, agreed to by all parties if possible; and
- i. Any other matter deemed appropriate.

**3. FILING AND SERVING DOCUMENTS.** When you file a document, you must provide the original to the PUC *and* serve a copy to the other party or parties. Instructions on how to file with the PUC and serve other parties are provided below.

#### **A. FILING DOCUMENTS**

**(1) E-FILING.** To file with the PUC, the PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC's website at: <https://www.puc.pa.gov/filing-resources/efiling>

**(2) PAPER FILING.** If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents may be hand delivered or sent to:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

**(3) CONFIDENTIAL MATERIAL.** If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission's Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission's file. Filers should contact the Secretary's Bureau in advance to set up a Share Point File before submitting the filing.

## **B. SERVING DOCUMENTS**

**(1) SERVING OTHER PARTIES.** When you file documents with the PUC, you must also serve a copy on the other party or parties. You may serve a copy by U.S. First-Class Mail or by hand. You may also serve a copy by eService or email, if the other party has agreed to electronic service. For your convenience, a copy of the PUC's current service list of all parties to this proceeding is enclosed with this Order.

**(2) SERVING THE PRESIDING OFFICER.** Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy to me, via my legal assistant, **Pam McNeal at [pmcneal@pa.gov](mailto:pmcneal@pa.gov)**. **If you do not have access to email, you must serve me by mail, addressed to:**

Administrative Law Judge F. Joseph Brady  
PA Public Utility Commission  
801 Market Street, 4<sup>th</sup> Floor  
Philadelphia, PA 19107

If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party pursuant to paragraph 5 of this Order.

**4. REPRESENTATION.** If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.<sup>1</sup> And, unless you are an attorney, you may not represent someone else.

**5. PROCEDURES.** That parties shall review the regulations pertaining to prehearing conferences, at 52 Pa. Code §§ 5.222 and 5.224. The parties should especially focus on 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.

**6. DISCOVERY.** 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. *See* and 52 Pa. Code § 5.322. The parties may also use alternative means of discovery, such as discovery conferences or depositions. All discovery requests should be as narrowly tailored as possible, and parties should coordinate their discovery if possible. Discovery responses are due on a best-efforts 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 will 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.

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<sup>1</sup> 52 Pa. Code §§ 1.21 & 1.22.

**7. STIPULATIONS.** That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense in litigation and conserve precious administrative hearing resources. 52 Pa. Code §§ 5.232, 5.234. All stipulations shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearing(s) in this case. An exception to this requirement may occur when circumstances warrant. In those warranted circumstances, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

**8. FAILURE TO APPEAR.** 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 matters decided at the prehearing conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa. Code §§ 5.222(e) & 5.224.

**9. CONTINUANCES.** You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must serve a written request to me and every other party (a “motion”) at least five (5) days before the hearing. Such changes are granted only in rare situations where sufficient cause exists. In accordance with the foregoing, absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference.

Date: November 15, 2024

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/s/  
F. Joseph Brady  
Administrative Law Judge

**A-2022-3031613 – A-2024-3045709 APPLICATION OF THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA FOR APPROVAL TO REPLACE THE PUBLIC ABOVE-GRADE CROSSING BY THE CONSTRUCTION OF NEW BRIDGE WHERE STATE ROUTE 0011 (WEST KING STREET) CROSSES OVER THE SINGLE TRACK OF NORFOLK SOUTHERN RAILROAD (DOT NO. 592 122 M) IN SHIPPENSBURG BOROUGH, FRANKLIN COUNTY, AND THE ALLOCATION OF COST INCIDENT THERETO.**

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