

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Borough of Eddystone	:	
	:	
v.	:	C-2019-3015101
	:	
Consolidated Rail Corporation,	:	
CSX Transportation Inc., PENNDOT	:	

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 10:00 a.m. on Tuesday, May 13, 2025. The call-in information is as follows:

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

2. That on or before **Tuesday, May 6, 2025**, 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 ensure 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 counsels 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.

C-2019-3015101 - BOROUGH OF EDDYSTONE v. CONSOLIDATED RAIL CORPORATION (CONRAIL) CSX TRANSPORTATION INCORPORATED PENNDOT

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