



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

IN REPLY PLEASE  
REFER TO OUR FILE

April 18, 2025

A-2025-3054208

**TO ALL PARTIES OF RECORD**

Application of North Penn Telephone Company for approval to alter the public crossing (DOT 264 099 S) by the installation of an aerial fiber optic cable where Jackson Street formerly crossed, at grade, a single track of Reading Blue Mountain & Northern Railroad Company located in the City of Scranton, Lackawanna County.

To Whom It May Concern:

By application filed with the Commission on March 25, 2025, Airosmith Development, on behalf of Empire Access doing business as North Penn Telephone Company, seeks Commission approval to alter the public crossing (DOT 264 099 S) by the installation of an aerial fiber optic cable where Jackson Street formerly crossed, at grade, a single track of Reading Blue Mountain & Northern Railroad Company located in the City of Scranton, Lackawanna County.

In review of the subject application, it was noted that concrete barriers with “Road Closed” signs and Type 1 (OM1-1) object markers have been installed on both Jackson Street roadway approaches to the subject crossing (DOT 264 099 S), and the crossing surface over the track of Reading Blue Mountain & Northern Railroad Company has been removed. Upon review of the Commission’s records by a Commission staff engineer it was determined that the Jackson Street crossing (DOT 264 099 S) is still a public crossing within the Commission’s jurisdiction.

The new 96 count fiber optic cable will be installed within a 1.25-inch aerial innerduct attached to existing utility poles and cross above grade the joint right-of-way at the subject public crossing (DOT 264 099 S) where Jackson Street formerly crossed the track of Reading Blue Mountain & Northern Railroad Company. The installation will provide a minimum vertical clearance of 33-feet from the top of rail to the new aerial fiber optic cable and innerduct. The minimum vertical clearance for all aerial facilities at the subject crossing was noted as being 25.92-feet above the top of rail.

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, Airosmith Development on behalf of North Penn Telephone Company states that the proposed installation is necessary to improve its fiber optic infrastructure in an effort to provide the population of Scranton with high-speed dependable internet. North Penn Telephone Company 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 new facilities, at its sole cost and expense. The cost of the project is anticipated to be approximately \$3,000.

All work is to be performed in accordance with the plans entitled: "EMPIRE ACCESS JACKSON STREET" consisting of two (2) sheets submitted to the Commission with the application.

Airosmith Development on behalf of North Penn Telephone Company served a copy of the application and plans on Lackawanna County, the City of Scranton, Reading Blue Mountain & Northern Railroad Company, Pennsylvania Northeast Railroad Authority, and Verizon Pennsylvania, Inc. All parties of record, with the addition of the Pennsylvania Department of Transportation, were queried by letter dated March 27, 2025, sent via email 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 Pennsylvania Department of Transportation will be made a party to the subject proceeding since they were not served a copy of the application by Airosmith Development.

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 North Penn Telephone Company is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The Pennsylvania Department of Transportation be made a party hereto.
3. The public crossing (DOT 264 099 S) where Jackson Street formerly crossed, at grade, a single track of Reading Blue Mountain & Northern Railroad Company in the City of Scranton, Lackawanna County be altered generally in accordance with the installation plans entitled: "EMPIRE ACCESS JACKSON STREET" consisting of two (2) sheets provided to the Commission on March 25, 2025; which plans are made part hereof and are hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.

4. North Penn Telephone Company, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the installation of an aerial fiber optic cable and innerduct within the joint right-of-way of the highway where Jackson Street formerly crossed, at grade, a single track of Reading Blue Mountain & Northern Railroad Company; all in accordance with the approved plans and this Secretarial Letter.

5. North Penn Telephone Company, 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.

6. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company or municipal authority, other than North Penn Telephone Company, which may be required as incidental to the alteration of the crossing, be made by said public utility company or municipal authority 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 company or municipal authority, at its sole cost and expense.

7. Reading Blue Mountain & Northern Railroad Company, at the sole cost and expense of North Penn Telephone Company, 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.

8. North Penn Telephone Company, 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.

9. The alteration of the crossing be completed on or before April 30, 2026, and that on or before said date North Penn Telephone Company, 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.

10. North Penn Telephone Company, 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.

11. 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.

12. North Penn Telephone Company 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.

13. North Penn Telephone Company, at least seven (7) days prior to the start of work, notify all parties of record of the actual date on which work will begin.

14. Upon completion of the alteration of the crossing, North Penn Telephone Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the new aerial fiber optic cable, innerduct, and any ancillary facilities installed in accordance with the approved plans and this Secretarial Letter.

15. Upon completion of the alteration of the crossing, Reading Blue Mountain & Northern Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the subject crossing; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide the City of Scranton at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

16. Upon completion of the alteration of the crossing, the City of Scranton, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its highway facilities on the Jackson Street roadway approaches to the subject crossing; all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Reading Blue Mountain & Northern Railroad Company at least ten (10) business days advance notice when performing any work as directed by this paragraph that may affect their facilities.

17. 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.

Sincerely,

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