

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of the Department of	:	
Transportation of the Commonwealth of	:	
Pennsylvania to Alter the Public Above- Grade	:	
Crossing by Replacing the Existing Bridge	:	A-2023-3037711
where State Route 3022 (Maclay Street)	:	
Crosses Above Grade the Tracks of Norfolk	:	
Southern Railroad (DOT 518 088 K) in the	:	
City of Harrisburg, Dauphin County, and the	:	
Allocation of Costs Incident thereto	:	

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, July 8, 2025**. The call-in information is as follows:

Toll-free Bridge Number: 1-888-537-9826
PIN: 59951562

2. That on or before **Tuesday, July 1, 2025**, parties shall file and serve initial prehearing conference memoranda which shall address:

- a. The history of the proceeding;
- b. A list of issues and sub-issues in this proceeding and your position on each issue or sub-issue listed;
- c. A statement indicating the last time a person physically set forth on the site to inspect the bridge;
- d. A statement indicating whether the funds to the project are “in-hand” or only “approved”;
- e. A list of what utilities are connected to the bridge and where they are connected;
- f. A proposed plan and schedule of discovery (if needed);
- g. A listing of your proposed witnesses and the subject of their testimony;
- h. The possibility of settlement;
- i. The amount of hearing time needed;
- j. A proposed litigation schedule, agreed to by all parties if possible; and
- k. Any other matter deemed appropriate.

The undersigned should be served by email at callenswor@pa.gov. **Parties represented by multiple attorneys should designate in their prehearing memorandum a lead representative for the purposes of the prehearing conference.**

3. That pursuant to 52 Pa. Code §§ 1.21 & 1.22, if you are an individual, you may represent yourself, or you may be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *pro hac vice*. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *pro hac vice*.

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 the 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.

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. *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.

6. 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.

7. 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.

8. That a request for a change of the scheduled initial prehearing conference date shall state the agreement or opposition of other parties, and shall be submitted in writing, via email, no later than five (5) days prior to the initial prehearing conference. 52 Pa. Code § 1.15(b). My email address is callenswor@pa.gov. 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.

9. That the parties are reminded that it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly urged to seriously explore this possibility. In the event of a settlement, a joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties must be either eFiled with or provided to the Secretary's Bureau via a compact disc. The parties should also serve the documents on me via email in a WORD-formatted document in addition to a searchable ADOBE or other compatible PDF format.

10. **You must serve the presiding Administrative Law Judge directly (via email) with a copy of any document that you file in this proceeding.** If you send the undersigned any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

Date: May 27, 2025

/s/
Chad L. Allensworth
Administrative Law Judge

A-2023-3037711 - APPLICATION OF THE DEPARTMENT OF TRANSPORTATION OF THE COMMONWEALTH OF PENNSYLVANIA TO ALTER THE PUBLIC ABOVEGRADE CROSSING BY REPLACING THE EXISTING BRIDGE WHERE STATE ROUTE 3022 (MACLAY STREET) CROSSES ABOVE GRADE THE TRACKS OF NORFOLK SOUTHERN RAILROAD (DOT 518 088 K) IN THE CITY OF HARRISBURG, DAUPHIN COUNTY, AND THE ALLOCATION OF COSTS INCIDENT THERETO.

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