

September 3, 2025

Via Electronic Filing

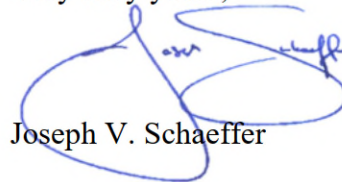
Mr. Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Application of D&J Fox Holdings, LLC for Approval of Alteration of the
Crossing 966038R
Petition to Withdraw an Application
Docket No. A-2023-3043240

Dear Secretary Homsher:

On behalf of D&J Fox Holdings LLC, enclosed for electronic filing is a *Petition to Withdraw an Application*. We respectfully request the approval of the Petition to Withdraw and that the Commission mark the docket as closed. Should you have any questions or concerns, please feel free to contact me at (412) 394-5499.

Very truly yours,



Joseph V. Schaeffer

JVS/kk

Attachments

cc: Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of D&J Fox Holdings, LLC for approval of the alteration of the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, the tracks of MarkWest Liberty Midstream & Resources LLC through lease agreement/easement with property owner Montour Trail Council, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County.

Application
Docket No. A-2023-3043240

PETITION TO WITHDRAW AN APPLICATION

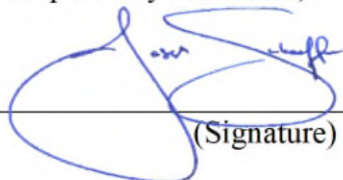
D&J Fox Holdings, LLC (“D&J Fox”), through its attorneys, respectfully requests permission to withdraw the above-referenced Application of D&J Fox. By Secretarial Letter dated February 15, 2024, the Application was approved by the Pennsylvania Public Utility Commission (“Commission”). The approval authorized the alteration of a crossing where State Route 0050 (Millers Run Road) crosses, at grade, one (1) track of MarkWest Liberty Midstream & Resources LLC / MPLX, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County. By Secretarial Letter dated July 25, 2025, the Commission approved a Petition to Extend the compliance deadlines set forth in the February 15, 2024, Secretarial Letter. D&J Fox states the following in support of its request to withdraw:

1. Petitioner is D&J Fox Holdings, LLC, 201 S. Johnson Road, Suite 201, Houston, PA 15342.
2. On January 27, 2011, MarkWest Liberty Midstream & Resources, LLC (“MarkWest”) submitted an application to the Commission for an at-grade crossing of State Route 0050 (Millers Run Road) (the “Crossing”). A copy of the January 27, 2011 application is attached as **Exhibit A**.
3. On May 3, 2011, the Commission issued a Secretarial Letter approving MarkWest’s January 27, 2011 application. A copy of the May 3, 2011 Secretarial Letter is attached as **Exhibit B**.
4. MarkWest subsequently installed the Crossing per the May 3, 2011 Secretarial Letter, as later modified by a May 24, 2013 Secretarial Letter authorizing the construction of a bike trail paralleling MarkWest’s track. A copy of the May 24, 2013 Secretarial Letter is attached as **Exhibit C**.

5. On September 21, 2023, D&J Fox submitted an application to the Commission for alteration of the Crossing because it was informed and believed that, despite having neither engineered nor constructed the Crossing, it would otherwise be unable to receive a highway occupancy permit from the Pennsylvania Department of Transportation. A copy of the September 21, 2023 application is attached as **Exhibit D**.
6. On February 15, 2024, the Commission issued a Secretarial Letter approving D&J Fox's Application to alter the Crossing. The Secretarial Letter directed D&J Fox to complete alteration of the crossing on or before June 30, 2025. A copy of the February 15, 2024 Secretarial Letter is attached as **Exhibit E**.
7. On or about February 23, 2024, in accordance with ordering paragraph six (6) of the 2024 Secretarial Letter, D&J Fox submitted an Updated Low Volume Highway Occupancy Permit Site Plan to the Commission for approval. The Commission approved the plan in a Secretarial Letter dated March 14, 2024. A copy of the March 14, 2024 Secretarial Letter is attached as **Exhibit F**.
8. On or about June 26, 2025, D&J Fox submitted a Petition to Extend the compliance deadlines set forth in the February 15, 2024, Secretarial Letter. The Commission granted the extension of time in a Secretarial Letter dated July 25, 2025. The extension directed D&J Fox to complete the alteration of the crossing on or before June 30, 2026. A copy of the July 25, 2025 Secretarial Letter is attached as **Exhibit G**.
9. Since the issuance of the February 15, 2024 Secretarial Letter, and as D&J Fox has undertaken efforts to design the crossing alteration, D&J Fox has learned that the expense and potential liability associated with the same exceeds its reasonable capabilities at this time, particularly where, as here, it would be correcting, at its own costs, those errors and omissions in the original design prepared by MarkWest.
10. D&J Fox accordingly has determined to no longer pursue the crossing alteration at this time.
11. As a result of this change in circumstances, D&J Fox requests to withdraw its Application and requests that the Commission mark this docket closed.

For the reasons set forth above, D&J Fox Holdings, LLC respectfully requests that the Commission withdraw the above-referenced Application, as approved by the Secretarial Letter dated February 15, 2024, and extended by the Secretarial Letter dated July 25, 2025, consistent with this Petition.

Respectfully submitted,



(Signature)

DATED: September 3, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of D&J Fox Holdings, LLC for approval of the alteration of the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, the tracks of MarkWest Liberty Midstream & Resources LLC through lease agreement/easement with property owner Montour Trail Council, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County.

Application
Docket No. A-2023-3043240

VERIFICATION

I, Daryl Heiser, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Dated this 2nd day of September 2025.



Daryl Heiser

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of D&J Fox Holdings, LLC for approval of the alteration of the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, the tracks of MarkWest Liberty Midstream & Resources LLC through lease agreement/easement with property owner Montour Trail Council, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County.

Application
Docket No. A-2023-3043240

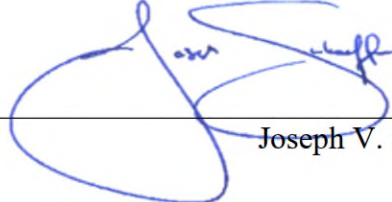
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of 52 Pa. Code § 1.54, as follows:

<p>Via U.S. First Class-Mail, postage prepaid William M. Sinick, P.E., C.B.S.I. Rail Safety Division Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 with copy to: wsinick@pa.gov</p>	<p>Via U.S. First Class-Mail, postage prepaid Utilities and Right-of-Way Section Bureau of Design Pennsylvania Department of Transportation PO Box 3362 Harrisburg, PA 17105-3362 with copy to: dojsmith@pa.gov & danleonard@pa.gov</p>
<p>Via U.S. First Class-Mail, postage prepaid Rachel D. Duda, P.E. Assistant District Executive – Design Pennsylvania Department of Transportation 825 N. Gallatin Ave. Uniontown, PA 15401-2105 with copy to: rduda@pa.gov</p>	<p>Via U.S. First Class-Mail, postage prepaid Jeffrey M. Spotts Office of Chief Counsel Pennsylvania Department of Transportation PO Box 8218 Harrisburg, PA 17105-8212 with copy to: jespotts@pa.gov</p>
<p>Via U.S. First Class-Mail, postage prepaid Washington County Commissioners c/o Diana Irey Vaughan, Commissioner Chairperson Courthouse Square Suite 702 Washington, PA 15301 with copy to: ireydl@co.washington.pa.us</p>	<p>Via U.S. First Class-Mail, postage prepaid Montour Trail Council 2589 Boyce Plaza Road Pittsburgh, PA 15241 with copy to: mtcoffice@montourtrail.org</p>

<p>Via U.S. First Class-Mail, postage prepaid Columbia Gas of Pennsylvania PO Box 2318 Columbus, OH 43216-2318 <i>and</i> 121 Champion Way, Suite 100 Canonsburg, PA 15317-5817 with copy to: tjgallagher@nisource.com & rdanhires@nisource.com</p>	<p>Via U.S. First Class-Mail, postage prepaid West Penn Power 76 South Main Street Akron, OH 44308 <i>and</i> 800 Cabin Hill Drive Greensburg, PA 15601-1689 with copy to: hsullivan@firstenergycorp.com</p>
<p>Via U.S. First Class-Mail, postage prepaid MPLX G&P c/o Sam Papa Right-of-Way Manager – East Region 4600 J. Barry Court, Suite 500 with copy to: sjpapa@marathonpetroleum.com & jtkoehler@marathonpetroleum.com</p>	<p>Via U.S. First Class-Mail, postage prepaid Wheeling and Lake Erie Railway c/o Ed Steiner, Superintendent of Safety, Rules, and Training 100 East First Street with copy to: edsteiner@wlerwy.com</p>
<p>Via U.S. First Class-Mail, postage prepaid Cecil Township c/o Donald A. Gennuso, Township Manager 3599 Millers Run Road Cecil, PA 15321 with copy to: manager@ceciltownship.com</p>	<p>Via U.S. First Class-Mail, postage prepaid Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055 with copy to: matthew.macek@amwater.com</p>
<p>Via U.S. First Class-Mail, postage prepaid Windstream 4001 N. Rodney Parham Road, Suite 101 Little Rock, AR 72212-2490 with copy to: Windstream.jointuse@windstream.com</p>	<p>Via U.S. First Class-Mail, postage prepaid Comcast Cable Communications, Inc. 1701 John F. Kennedy Blvd. Philadelphia, PA 19103 with copy to: lloyd.crago@cable.comcast.com</p>
<p>Via U.S. First Class-Mail, postage prepaid Verizon Pennsylvania, LLC c/o Suzan DeBusk Paiva, Associate General Counsel 900 Race Street 6th Floor Philadelphia, PA 19107 with copy to: deborah.d.delia@verizon.com & suzan.d.paiva@verizon.com</p>	<p>Via U.S. First Class-Mail, postage prepaid Verizon Pennsylvania, LLC c/o Kathleen Meeks, Right-of-Way Department 40 S. Mercer Street New Castle, PA 16101 with copy to: Kathleen.meeks@verizon.com</p>

Dated this 3rd day of September 2025.



Joseph V. Schaeffer

EXHIBIT A



RECEIVED

January 28th, 2011

JAN 27 2011

The Secretary of the Commission
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Reference: MarkWest Liberty Midstream and Resources, LLC
Request for Railroad Grade Crossings
Washington County, PA

To whom it may concern:

Please find enclosed applications for multiple railroad grade crossings from MarkWest Liberty Midstream and Resources, LLC.

We request a hearing in the field as soon as possible in order to expedite this project.

If you have any questions or require additional information, please do not hesitate to call me at 412.503.4563 or MarkWest Liberty's project Manager Phil Biggs at 412-922-6848

Sincerely,

URS Corporation

Jonathan P. Cowell, P.E.

Enclosures: File (21535350)

**BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of MarkWest Liberty
Midstream and Resources, LLC (MarkWest)
for approval of the public single track at-
grade crossing with SR 0050 (Millers Run
Road) within Cecil Township in Washington
County.

Application
Docket No.

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JAN 27 2011

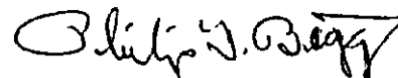
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

To Pennsylvania Public Utility Commission:

1. MarkWest Liberty Midstream and Resources, LLC, Phil Biggs, 800 Western Ave. Washington PA 15301.
2. The name and address of applicant's attorney are Christopher L. Rimkus, Associate Counsel MarkWest Liberty Midstream and Resources, LLC ,1515 Arapahoe Street, Tower 1, Suite 1600 Denver, CO 80202
3. The applicant is a master limited partnership engaged in the gathering, transportation, and processing of natural gas; the transportation, fractionation, marketing, and storage of natural gas liquids. Said grade crossing is requested in order transport product from a cryogenic processing plant to customers via rail cars.
4. *It is desirable to install a new at-grade railroad crossing where SR 0050 (Millers Run Road) crosses the single track of MarkWest operated by Wheeling and Lake Erie Railroad in Cecil Township, Washington County. (For Location Maps see Exhibits A and B attached.)*
5. The names and addresses of the persons, parties and entities concerned in, or affected by the proposed construction, to the best of the applicant's knowledge, are shown in the certificate of service.
6. The ADT for SR 0050 (Millers Run Road) is 4,295 for vehicles with 5% trucks.
7. MarkWest will provide 100% of the funding for the design and construction of the new at-grade crossing.
8. This project is necessary and proper for the safety and convenience of the public.
9. A field conference of all parties of interest should be held to discuss the proposed improvements.

Wherefore, applicant prays your Honorable Commission to approve the application:

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Philip J. Biggs". The signature is written in a cursive style with a large, sweeping initial "P".

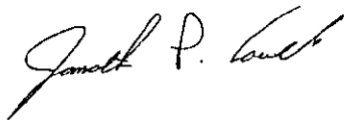
Philip Biggs
Rail System Project Manager
MarkWest Liberty Midstream and Resources, LLC

RECEIVED
JAN 27 2011
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VERIFICATION

I, Jonathan P. Cowell, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: January 28, 2011



URS Corporation

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (*relating to service by participant*).

Mr. David C. Hart, P.E., Manager
Rail Safety Division
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Mr. Mark Chappell, PE, Chief
Utilities and Right-of-Way Section
Bureau of Design - PennDOT
P.O. Box 3362
Harrisburg, PA 17105-3362

Ms. Rachel D. Duda, PE
Assistant District Executive -- Design
Pennsylvania Department of Transportation
Engineering District 12-0
825 North Gallatin Avenue
Uniontown, PA 15401

Office of Chief Counsel
Pennsylvania Department of Transportation
PO Box 8212
Harrisburg, PA 17105

Mr. Philip Biggs
Rail System Project Manager
MarkWest Liberty Midstream and Resources, LLC
800 Western Ave.
Washington PA 15301

RECEIVED

JAN 27 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Mr. Jonathan Chasteck
Wheeling and Lake Erie Railway
100 East First St.
Brewster, OH 44613

Mr. Larry Maggi, Commissioner Chairman
Washington County Commissioners
Courthouse Square
Suite 702
Washington, PA 15301

Mr. Donald Gennuso, Township Manager
Cecil Township
3599 Millers Run Road
Cecil, PA 15321

Mr. Richard Baughman
Enterprise Products Operating, LLC
PO Box #41
Hickory, PA 15340

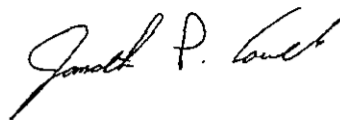
Office Personnel
Verizon Pennsylvania, Inc.
201 Stanwix Street
4th Floor
Pittsburgh, PA 15222

Rachel Ford
Columbia Gas of PA
121 Champion Way
Suite 100,
Cannonsburg PA 15317

Facilities Manager
Allegheny Power
365 Washington Road
Washington PA 15301

(Participants should include the Pennsylvania Department of Transportation, the Railroad Company, the county and municipality where the crossing is located, and any fixed utility companies with facilities at the crossing.)

Dated this 28th day of January, 2011.



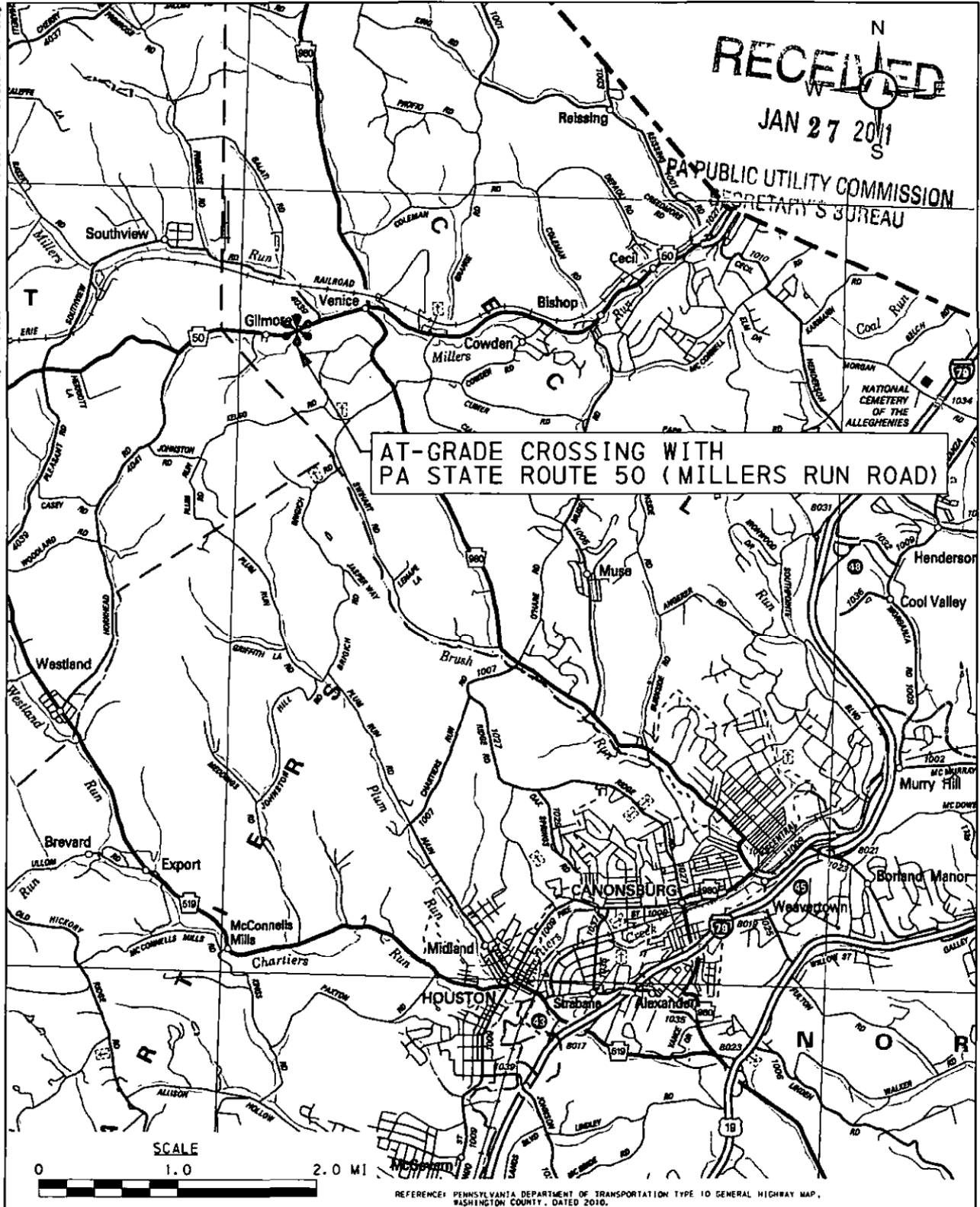
(Signature)

RECEIVED

JAN 27 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

P:\1555 Proj\2011\1535350 - Mark West\Gassy\Icons_PUC_Permit\PUC_LOCATION MAPS.dgn



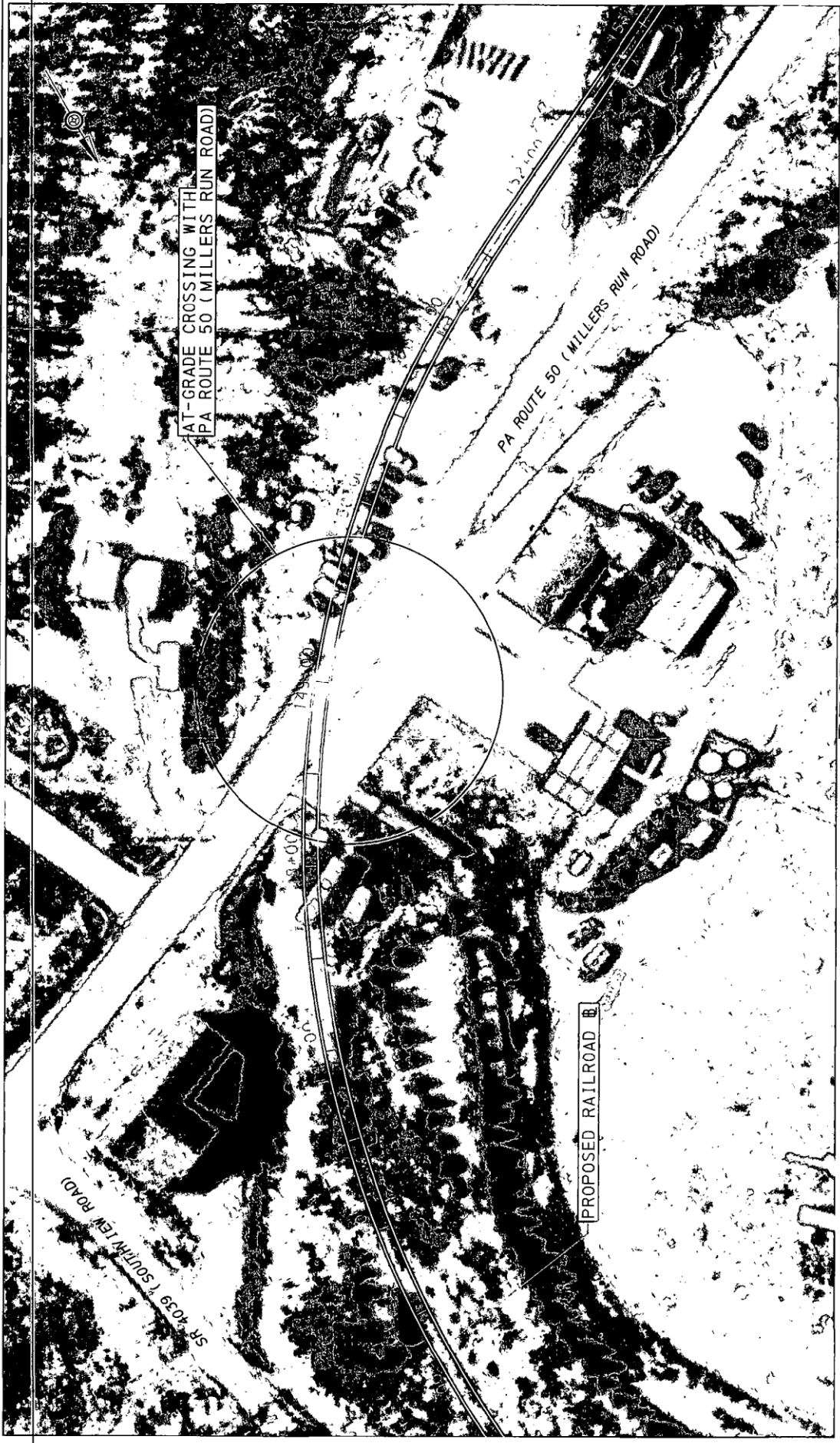
1/26/2011

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PREPARED BY
URS
 PITTSBURGH, PA

MARKWEST
 LIBERTY MIDSTREAM & RESOURCES, LLC

PENNSYLVANIA PUBLIC UTILITY COMMISSION
 LOCATION MAP - EXHIBIT A
 AT-GRADE CROSSING WITH PA STATE ROUTE 50 (MILLERS RUN ROAD)
 CECIL TOWNSHIP, WASHINGTON COUNTY



MARKWEST LIBERTY MIDSTREAM & RESOURCES, LLC PENNSYLVANIA PUBLIC UTILITY COMMISSION EXHIBIT B AT-GRADE CROSSING WITH PA ROUTE 50 (MILLERS RUN ROAD) CECIL TOWNSHIP, WASHINGTON COUNTY	
DRAWN: CLK APPR: BPR DATE: 1/14/11	SCALE: 1" = 50 FT

RECEIVED
 JAN 27 2011
 PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

PREPARED BY URS PITTSBURGH, PA

EXHIBIT B



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

May 3, 2011

A-2011-2223296

TO ALL PARTIES

In re: Application of MarkWest Liberty Midstream & Resources LLC (MarkWest) for approval of the construction of a public single track at-grade crossing with SR 0050 (Millers Run Road) within Cecil Township, Washington County.

To Whom It May Concern:

This matter is before us upon application filed January 27, 2011 by MarkWest Liberty Midstream & Resources LLC (MarkWest) seeking Commission approval to construct a crossing where a track of MarkWest operated on by Wheeling and Lake Erie Railroad Company (W&LE) will cross at grade S. R. 0050 (Millers Run Road) in Cecil Township, Washington County.

A field conference, arranged by a Commission staff engineer and held at the site of the crossing was attended by representatives of PennDOT, Mount Pleasant Township, Montour Trail, Cecil Township, MarkWest, W&LE, Columbia Gas Company and Washington Energy Company.

MarkWest is involved with gathering and transporting of natural gas and by products thereof as part of the Marcellus Shale gas fields. To facilitate the transportation of these products, MarkWest proposes to construct a rail line from its processing plant to a connection with the W&LE. The rail line will cross several highways at grade of which S. R. 0050 is one.

At the new S. R. 0050 crossing, MarkWest proposes to install a high type concrete tub style crossing surface for the full width of the highway and shoulders. Automatically operated flashing-light signals and gates will be installed on each approach to the crossing,

MarkWest agrees to construct the project at its sole cost and expense. The non-carrier public utilities agree to alter their facilities as necessary for the project at the sole cost and expense of MarkWest. W&LE, through agreement, will maintain the crossing and signal facilities in the future. The project will be funded by private sources.

The applicant has certified that a copy of the application has been served on each party in interest and none has advised that it objects to the issuance of an order, prior to a hearing, approving the application.

Upon full consideration of the matters involved, we determine that it is not necessary to schedule a hearing in this proceeding at this time and that issuance of a Secretarial Letter without hearing is proper since MarkWest has agreed to construct the project, at its sole cost and expense, and none of the parties has expressed any objections to the proposal.

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

The application is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The crossing where S. R. 0050 (Millers Run Road) will cross at grade a track of MarkWest Liberty Midstream and Resources, LLC operated over by Wheeling and Lake Erie Railroad Company in Cecil Township, Washington County, be constructed generally in accordance with the approved plans and the construction criteria of Pennsylvania Department of Transportation.
3. MarkWest Liberty Midstream and Resources, LLC, having agreed to do so, at its sole cost and expense, prepare and submit prior to start of construction a construction plan for the proposed crossing and a situation plan and circuitry plan for the proposed signals to the parties of record for review and to this Commission for approval.
4. MarkWest Liberty Midstream and Resources, LLC, having agreed to do so, at its sole cost and expense, furnish all material and do all work necessary to construct the proposed crossing by installing a high type concrete (tub style) crossing surface for the full width of the roadway and shoulders and installing post-mounted flashing-light signals with gates and any ancillary features required. All work to be done generally in accordance with the approved plans, the construction requirements of Pennsylvania Department of Transportation and Part 8 of the Manual on Uniform Traffic Control Devices.
5. MarkWest Liberty Midstream and Resources, LLC, having agreed to do so, at its sole cost and expense, furnish all material and do all work necessary to repave the approaches to provide a smooth transition up to the high-type crossing surface and install advance warning signs (W10 Series), stop lines and pavement markings at proper locations on the approaches thereto, generally in accordance with the approved plans and Part 8 of the Manual on Uniform Traffic Control Devices.

6. MarkWest Liberty Midstream and Resources, LLC, having agreed to do so, at its sole cost and expense, furnish all material and do all work necessary to establish and maintain any detours or traffic controls that may be necessary to properly and safely accommodate highway traffic during the construction of the crossing.

7. Any relocation of, changes in and/or removal of any adjacent structures, equipment or facilities or any non-carrier public utility, which may be required as incidental to the alteration of the crossing, be made by said public utility, at the sole cost and expense of MarkWest Liberty Midstream and Resources, LLC, and in such manner as will not interfere with the alteration of the crossing; and such relocation or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

8. MarkWest Liberty Midstream and Resources, LLC, notify all parties of record at least ten (10) days prior to performing work in accordance with this Secretarial Letter.

9. Construction of the crossing project shall be completed in a manner satisfactory to this Commission, on or before December 31, 2012, and that on or before said date, MarkWest Liberty Midstream and Resources, LLC, report to this Commission the actual date of completion of work.

10. MarkWest Liberty Midstream and Resources, LLC, pay all compensation for damages due to the owners of property taken, injured or destroyed by reason of the alteration of the subject crossing in accordance with this Secretarial Letter.

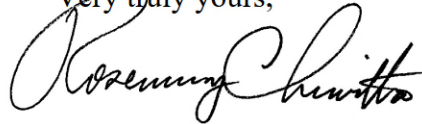
11. Upon completion of the construction of the subject crossing, Wheeling and Lake Erie Railroad Company at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the railroad facilities at the subject crossing, including the post-mounted flashing-light signals and gates and all appurtenant equipment, and to maintain at all times in a smooth and satisfactory condition the high-type concrete crossing surface.

12. Upon completion of the construction of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches to the subject crossing up to the new high-type concrete crossing surface and, in addition, maintain the railroad advance warning signs, stop lines and pavement markings on the approaches thereto.

13. This Secretarial Letter, insofar as it imposes certain costs upon any party, is without prejudice to their right to recover part or all of said costs in accordance with any lawful agreement between it and any of the other parties hereto.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this letter.

Very truly yours,

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

Rosemary Chiavetta
Secretary

EXHIBIT C



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

May 24, 2013

A-2011-2223296

TO ALL PARTIES

Application of Mark West Liberty Midstream & Resources, LLC (Mark West) for approval of the construction of a public single track at-grade crossing with S.R. 0050 (Millers Run Road) within Cecil Township, Washington County. DOT 966 038R

To Whom It May Concern:

This matter is before us upon petition filed March 8, 2013 by Mark West seeking modification of the Secretarial Letter issued May 3, 2011, in this proceeding which directed Mark West to construct the crossing where S.R. 0050 crosses, at grade, a track of Mark West operated on by Wheeling & Lake Erie Railroad Company in Cecil Township, Washington County.

In its petition, Mark West states that the Montour Trail Council has obtained right-of-way to construct a pedestrian/bike trail along side Mark West's track. At the S.R. 0050 crossing, the trail will be constructed parallel to the track and between the track and the railroad warning devices. Attached to the petition is a construction plan for the trail crossing entitled "Trail Crossing Plan SR 4039 (Southview Rd) & SR 0050 (Millers Run)" consisting of two (2) sheets. Mark West agrees to construct the trail crossing, at its sole cost and expense. Mark West requests the Secretarial Letter be modified to include the construction of the trail crossing. In addition, Mark West requests an extension of time to complete the work until December 31, 2013.

The petition has been served on all parties and none has any objection to the proposed modification.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the Secretarial Letter issued May 3, 2011 in this proceeding be modified. The petition filed March 8, 2013 by Mark West be granted to the extent hereafter directed:

1. The plan submitted by Mark West Liberty Midstream and Resources, LLC on March 8, 2013 entitled "Trail Crossing Plan SR 4039 (Southview Rd) & SR 0050 (Millers Run)", consisting of two (2) sheets, be and is hereby approved.
2. Paragraph number 5 on page 2 of the Secretarial Letter dated May 3, 2011, which reads as follows, to wit:

“5. Mark West Liberty Midstream and Resources, LLC, having agreed to do so, at its sole cost and expense, furnish all material and do all work necessary to repave the approaches to provide a smooth transition up to the high-type crossing surface and install advance warning signs (W10 Series), stop lines and pavement markings at proper locations on the approaches thereto, generally in accordance with the approved plans and Part 8 of the Manual on Uniform Traffic Control Devices.”

be and is hereby modified to read as follows:

5. Mark West Liberty Midstream and Resources, LLC, having agreed to do so, at its sole cost and expense, furnish all material and do all work necessary to repave the approaches to provide a smooth transition up to the high-type crossing surface, construct a pedestrian/bike trail crossing of S.R. 0050 adjacent to the track, and install advance warning signs (W10 Series), stop lines, and pavement markings at proper locations on the approaches thereto, generally in accordance with the approved plans and Part 8 of the Manual on Uniform Traffic Control Devices.

3. Paragraph number 9 on page 3 of the Secretarial Letter date May 3, 2011, which reads as follows, to wit:

“9. Construction of the crossing project shall be completed in a manner satisfactory to this Commission, on or before December 31, 2012, and that on or before said date, Mark West Liberty Midstream and Resources, LLC report to this Commission the actual date of completion of work.”

be and is hereby modified to read as follows:

9. Construction of the crossing project shall be completed in a manner satisfactory

to this Commission, on or before December 31, 2013, and that on or before said date, Mark West Liberty Midstream and Resources, LLC report to this Commission the actual date of completion of work.

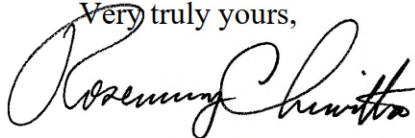
4. Upon completion of the construction of the project, Montour Trail Council, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the pedestrian/bike crossing, including any pavement markings and warning signs installed in accordance with this Secretarial Letter.

5. In all respects not inconsistent with this Secretarial Letter, our Secretarial Letter dated May3, 2011 in this proceeding, remain in full force and effect.

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

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this letter.

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

EXHIBIT D

September 22, 2023

Via Electronic Filing
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

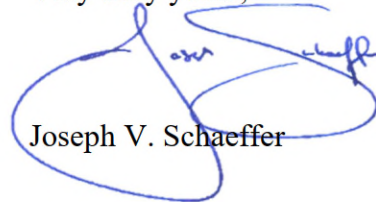
Re: Application of D&J Fox Holdings, LLC for Approval of Alteration of the
Crossing 966038R

Pennsylvania Public Utility Commission:

Enclosed for filing is the Application of D&J Fox Holdings, LLC for the approval of the alteration of the crossing 966038R where SR 50 (Millers Run Road) crosses at grade the tracks of Wheeling & Lake Erie Railway Company, located in Cecil Township in Washington County, Pennsylvania. This Application has been resubmitted with corrections requested by the Secretary's Bureau of the Public Utility Commission.

Thank you for your attention to this matter and please let me know if you have any questions.

Very truly yours,



Joseph V. Schaeffer

JVS/kk
Enclosures

**BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of D&J Fox Holdings, LLC for approval of the alteration of the crossing 966038R where SR 50 (Millers Run Road) crosses at grade the tracks of Wheeling & Lake Erie Railway Company, located in Cecil Township in Washington County, Pennsylvania.

Application
Docket No.

To Pennsylvania Public Utility Commission:

1. The name and address of applicant are D&J Fox Holdings, LLC (“D&J Fox”), 201 S. Johnson Road, Suite 201, Houston, PA 15342.
2. D&J Fox’s attorney is Joseph Schaeffer, Babst Calland Clements & Zomnir, P.C., Two Gateway Center, Floor 6, 603 Stanwix St., Pittsburgh, PA 15222.
3. D&J Fox is a duly organized and validly existing Pennsylvania limited liability company engaged, among other things, in the ownership and leasing of certain real property located at or about 3866 Millers Run Road, McDonald PA 15057 (the “Property”).
4. D&J Fox has applied to PennDOT for a Highway Occupancy Permit for commercial driveways located at or about the Property to the North and South of SR 0050, with such application having been docketed as Highway Occupancy Permit Application No. 297175 (the “HOP Application”). The HOP Application does not propose any change in usage of the Property but rather seeks to formalize an existing usage that predated (and survived) a prior application by MarkWest Liberty Midstream & Resources LLC for a crossing in or about the Property, which application was docketed at No. A-2011-2223296. The HOP Application and associated maps are attached as **Exhibits 1-A & 1-B**.
5. Because the driveways cross a railroad line currently owned by Marathon Oil, PennDOT has directed D&J Fox to consult with the Public Utility Commission (“PUC”) before PennDOT will further process the HOP Application. PennDOT’s February 9, 2023 letter requesting consultation with the PUC is attached as **Exhibit 2**.
6. Without conceding that the crossings identified in its HOP Application are “public crossings” for purposes of the PUC’s jurisdiction under 66 Pa. C.S. § 2702, D&J Fox is submitting this application to comply with PennDOT’s directive and enable further processing of its HOP Application.
7. The names and addresses of the persons, parties and entities concerned in, or affected by the proposed permit, to the best of the applicant’s knowledge, are shown in the certificate of service.

8. D&J Fox estimates that the costs of improving the driveways at the Property to be sixty-three thousand one hundred and ninety-seven U.S. dollars (\$63,197.00). Responsibility for the costs of improvement, maintenance, and repair is expected to be allocated between D&J Fox and Marathon Oil. To the extent that D&J Fox is responsible for costs, funds will be provided from D&J Fox's operating revenues.

9. The alteration is necessary or proper for the safety and convenience of the public.

10. A field conference of all parties of interest should be held to discuss the proposed permit.

WHEREFORE applicant prays your Honorable Commission to approve the application.

Date: _____

9/19/23

Daryl Heiser Vice President

Daryl Heiser, Vice President

VERIFICATION

I, Daryl Heiser, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 9/18/23

Daryl Heiser Vice President

 Daryl Heiser, Vice President

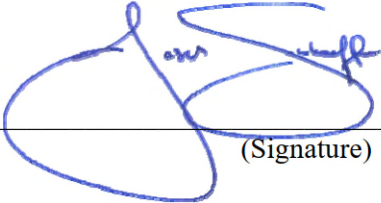
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54.

William M. Sinick, P.E., C.B.S.I. Rail Safety Division Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120	Utilities and Right-of-Way Section Bureau of Design Pennsylvania Department of Transportation PO Box 3362 Harrisburg, PA 17105-3362
Rachel D. Duda, P.E. Assistant District Executive – Design Pennsylvania Department of Transportation 825 N. Gallatin Ave. Uniontown, PA 15401-2105	Karen Cummings Office of Chief Counsel Pennsylvania Department of Transportation PO Box 8218 Harrisburg, PA 17105-8212
Washington County Commissioners c/o Diana Irey Vaughan, Commissioner Chairperson Courthouse Square Suite 702 Washington, PA 15301	Montour Trail Council c/o Deborah B. Thompson 304 Hickman Street Suite 3, 2nd Floor Bridgeville, PA 15017
Columbia Gas of Pennsylvania P.O. Box 2318 Columbus, OH 43216-2318 <i>and</i> 121 Champion Way, Suite 100 Canonsburg, Pennsylvania 15317-5817	West Penn Power 76 South Main Street Akron, OH 44308 <i>and</i> 800 Cabin Hill Drive Greensburg, PA 15601-1689
MPLX G&P c/o Sam Papa, Right-of-Way Manager – East Region 4600 J. Barry Court, Suite 500	Wheeling and Lake Erie Railway c/o Ed Steiner, Superintendent of Safety, Rules, and Training 100 East First Street

Cecil Township c/o Donald A. Gennuso, Township Manager 3599 Millers Run Road Cecil, PA 15321	Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
Windstream 4001 N Rodney Parham Road, Suite 101 Little Rock, AR 72212-2490	Comcast Cable Communications, Inc. 1701 John F. Kennedy Blvd. Philadelphia, PA 19103
Verizon Pennsylvania, LLC 1717 Arch Street, 3rd Floor Philadelphia, PA 19103-2713	

Dated this 22nd day of September, 2023.



(Signature)

EXHIBIT 1-A

HOP Emergency BOL Invoice Portal TSP Scoping

Back Print Help

APPLICANT TEAM INFORMATION

Application:

GO

Permit / License:

GO

Application: 297175

Cycle: 1

Returned For Revisions

Applicant Name: D&J Fox Holdings

District: 12

Permit Group: HOP

Business Partner ID:

County: Washington

Permit Type: Driveway

Scoping #:

Municipality: CECIL TOWNSHIP

Permit Sub type: Low Volume (51 to 1,500 ADT)

Paper Application No:

Permit Use: Mixed Use

Permit Sub Use: Mixed Use Facility

CoApplicant Info

Firm Name

Contact Name

Business Partner ID

Email

Additional Email Address 1 Additional Email Address 2 Phone Number

No records found.

Engineering Firm Info

Firm Name

Contact Name

Business Partner ID

Email

Additional Email Address 1

Additional Email Address 2

Phone Number

Status

KLH Engineers, Inc.

KLH Engineers, Inc.

005975

dcoldren@klhengineers.com

(412) 691-5734

Active

Applicant Contact Info

EDIT

Application Setup

- Applicant Team
- Attachments
- Work Summary and Locations
- Application Identification
- Fee Information & Estimated Construction Costs
- Application Summary
- Reference Material and Forms

Internal

- Checklist Information
- Reference Information

Workflow

- Review Team
- Response Letter

Permit

- Permit Information

You are currently logged in as **Dave Coldren**. If this is incorrect, please [login](#). Your session will timeout in **29** minutes.

Release: 45.0

[PennDOT](#) | [Home](#) | [Help](#) | [Pennsylvania](#)
Copyright © 2011 Pennsylvania Department of Transportation. All Rights Reserved.
[PennDOT Privacy Policy](#)

Mon Apr 03 14:41:30 EDT 2023
Official ePermit Date/Time

APPLICATION ATTACHMENTS

Application:

GO

Permit / License:

GO

Application: 297175

Cycle: 1

Returned For Revisions

Applicant Name: D&J Fox Holdings

Permit Group: HOP

Business Partner ID:

District: 12

Permit Type: Driveway

Scoping #:

County: Washington

Permit Sub type: Low Volume (51 to 1,500 ADT)

Paper Application No:

Permit Use: Mixed Use

Permit Sub Use: Mixed Use Facility

Download Selected Files

DOWNLOAD SELECTED

Download All Files (checked means select all files to download): Total file download size is limited to 0 MB.

Permanent Records

Suppl Application	Cycle	Document Type	Document Description	Attached By	Date Attached	Document Name	Document size(MB)	Add to Download
<i>No records found.</i>								

Attachments

Cycle	Document Type	Document Description	Attached By	Date Attached	Document Name	Document Size(MB)	Add to Download
1	PennDOT Correspondence	M-950 CFO Return	E. Maria Ulery/PennDOT	02/08/2023 02:04:17 PM	297175 M-950CFO Return to KLH for D&J Fox Holdings 2-8-23 signed.pdf	0.59 MB	<input type="checkbox"/>
1	Other Documents/Forms	Scoping Meeting and Application	Dave Coldren/PennDOT BP-005975	01/11/2023 04:49:31 PM	Scoping Meeting and Application.pdf	0.19 MB	<input type="checkbox"/>
1	Other Documents/Forms	Deed	Dave Coldren/PennDOT BP-005975	01/11/2023 03:26:06 PM	Deed.pdf	0.19 MB	<input type="checkbox"/>
1	Other Documents/Forms	M-950AAA	Dave Coldren/PennDOT BP-005975	01/11/2023 03:24:30 PM	M-950AAA.pdf	0.51 MB	<input type="checkbox"/>
1	Other Documents/Forms	M-950 CFO	Dave Coldren/PennDOT BP-005975	01/11/2023 03:23:52 PM	M-950 CFO.pdf	0.03 MB	<input type="checkbox"/>
1	HOP Plans		Dave Coldren/PennDOT BP-005975	01/11/2023 03:23:00 PM	HOP Plan Set.pdf	6.25 MB	<input type="checkbox"/>

PATA Documents

Records 1 to 4 of 4

Document Name	Document Description	Attached By	Date Attached	Add to Download
126-B - Short-Term Stationary Operations on Conventional Highways	Work on Multi-Lane Approach - Work in Left Lane and on Lane Line	Dave Coldren/PennDOT BP-005975	01/11/2023 04:52:57 PM	<input type="checkbox"/>

126-A - Short-Term Stationary Operations on Conventional Highways	Work on Multi-Lane Approach - Work in Right Lane and on Lane Line	Dave Coldren/PennDOT BP-005975	01/11/2023 04:52:57 PM	<input type="checkbox"/>
102 - Short-Term Stationary Operations on Conventional Highways	Work on or Beyond Shoulder - Single-Lane Approach - Shoulder Work With Minor Roadway Encroachment	Dave Coldren/PennDOT BP-005975	01/11/2023 04:52:57 PM	<input type="checkbox"/>
101-A - Short-Term Stationary Operations on Conventional Highways	Work on or Beyond Shoulder - Single-Lane Approach - No Roadway Encroachment	Dave Coldren/PennDOT BP-005975	01/11/2023 04:52:57 PM	<input type="checkbox"/>

Records 1 to 4 of 4

Page 1 of 1

Records Per Page: 5

Application Setup <ul style="list-style-type: none"> • Applicant Team • Attachments • Work Summary and Locations • Application Identification • Fee Information & Estimated Construction Costs 	Internal <ul style="list-style-type: none"> • Checklist Information • Reference Information 	Workflow <ul style="list-style-type: none"> • Review Team • Response Letter 	Permit <ul style="list-style-type: none"> • Permit Information
--	--	--	--

Applicant Name: D&J Fox Holdings
 Business Partner ID:
 Scoping #: **Cycle: 1**
 Paper Application No:

District: 12
 County: Washington
 Municipality: CECIL TOWNSHIP

Application:

Work and Location Details

Summary: Work for this project includes the placement of concrete median barriers at the locations shown on the atta

County: Washington S.R.: 0050

(Maximum characters: 2000)
 Characters left: 1849

From	To	Segment	Offset	Latitude, Longitude
0300	3434			40.3188835, -80.2405204
0300	3607			40.3191091, -80.2399728
Driveway Indicator (Please base Driveway Indicator on ascending offsets)				

Work Description ID	Work Description Code	Work Description
1	523	Alter Existing Low Volume Driveway

[Pavement History](#): View the pavement history for this work location

[Video Log](#): Identify the correct SR, Segments, and Offsets for this location

[OneMap](#): View planned or in-progress projects at or near this work location

[ISAMS](#): View the traffic signal inventory

Application:

Cycle: 1

District: 12

County: Washington

Municipality: CECIL TOWNSHIP

Application:

Cycle: 1

District: 12

County: Washington

Municipality: CECIL TOWNSHIP

Application:

Cycle: 1

District: 12

County: Washington

Municipality: CECIL TOWNSHIP

Application:

Cycle: 1

District: 12

County: Washington

Municipality: CECIL TOWNSHIP

Application:

Cycle: 1

District: 12

County: Washington

Municipality: CECIL TOWNSHIP

Application:

Cycle: 1

District: 12

County: Washington

Municipality: CECIL TOWNSHIP

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Cycle: 1

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County: Washington

Municipality: CECIL TOWNSHIP

Application:

Cycle: 1

District: 12

County: Washington

Municipality: CECIL TOWNSHIP

Application:

Cycle: 1

District: 12

Planned or In-Progress Projects

Records 0 to 0 of 0

Project ID: [▲](#) Project Improvement Description:

No records found.

Records 0 to 0 of 0

Page 1 of 1

Project Stage:

Project Manager Contact Name:

LET Date:

Completion Date:

Page 1 of 1

Audit Information

Created By

Dave Coldren/PennDOT BP-005975

Created On

01/11/2023

Modified By

Fudata Thomas/PennDOT

Application Setup

Internal

Workflow

APPLICATION IDENTIFICATION

Application:

GO

Permit / License:

GO

Application: 297175

Cycle: 1 ▼

Returned For Revisions

Applicant Name: D&J Fox Holdings

District: 12

Permit Group: HOP

Business Partner ID:

County: Washington

Permit Type: Driveway

Scoping #:

Municipality: CECIL TOWNSHIP

Permit Sub type: Low Volume (51 to 1,500 ADT)

Paper Application No:

Permit Use: Mixed Use

Permit Sub Use: Mixed Use Facility

Additional Details

Date work is scheduled to begin : 05/01/2023

Pre-EPS Application: EPS

Approximate date when work will be completed : 06/30/2023

Driveway

Anticipated Average Daily Traffic (ADT)

Cars : 0
Trucks : 250
Buses : 0
Total : 250

Please enter this value.

Please enter this value.

Please enter this value.

Is any portion of the property reserved for a person with a disability or a severely disabled veteran? No

Audit Information

Created By

Created On

Modified By

Modified On

Dave Coldren/PennDOT BP-005975

01/11/2023 04:10:14 PM

Dave Coldren/PennDOT BP-005975

01/11/2023 05:23:13 PM

Application Setup

- Applicant Team
- Attachments
- Work Summary and Locations
- Application Identification
- Fee Information & Estimated Construction Costs
- Application Summary
- Reference Material and Forms
- Link TSP/HOP List

Internal

- Checklist Information
- Reference Information

Workflow

- Review Team
- Response Letter

Permit

- Permit Information

APPLICATION SUMMARY

Application:

Application: 297175

Cycle: 1

Permit / License:

GO

Returned For Revisions

Applicant/Owner: D&J Fox Holdings
Address Line 1: 3866 Millers Run Road
Address Line 2:
City: McDonald
State: PA
Postal Code: 15057
Created By: Dave Coldren/PennDOT BP-005975

Paper Application Number:
BP ID:
Phone Number: 724-916-0061 **Ext:**
Fax Number:
Email Address: mrizzo@klhengineers.com
Additional Email Address 1: ctuttle@klhengineers.com
Additional Email Address 2:

Application Details Information

District: 12
County: Washington
Municipality: CECIL TOWNSHIP

Permit Group: HOP
Permit Type: Driveway
Permit Sub Type: Low Volume(51 to 1,500 ADT)
Permit Use: Mixed Use
Permit Sub Use: Mixed Use Facility

CoApplicant Info

Firm Name	Contact Name	Business Partner ID	Email	Additional Email Address 1	Additional Email Address 2	Phone Number
<i>No records found.</i>						

Engineering Firm Info

Firm Name	Contact Name	Business Partner ID	Email	Additional Email Address 1	Additional Email Address 2	Phone Number
KLH Engineers, Inc.	KLH Engineers, Inc.	005975	dcoldren@klhengineers.com			(412) 691-5734

Applicant Contact Info

Work and Location Details

Work ID: 1

Work Summary: Work for this project includes the placement of concrete median barriers at the locations shown on the attached plans (Sheet 2 of 7) and line painting.

County	S.R.	Work Description ID	Work Description Code	Work Description
Washington	0050	1	523	Alter Existing Low Volume Driveway
Location Detail	From	To		

Segment(s)	0300	0300
Offset(s)	3434	3607
Driveway Indicator	Left	

Additional Details

Date work is scheduled to begin : 05/01/2023
 Approximate date when work will be completed : 06/30/2023

Pre-EPS Application: No

Driveway

Anticipated Average Daily Traffic (ADT)

Cars : 0
 Trucks : 250
 Busses : 0

EXHIBIT 1-B

EXHIBIT 2



pennsylvania
DEPARTMENT OF TRANSPORTATION

Date: 02/09/2023
Subject: Highway Occupancy Permit Application No. 297175, Cycle No.1 - Returned For Revisions
To: D&J Fox Holdings
3866 Millers Run Road
McDonald, PA 15057
From: PennDOT Engineering District 12-0
825 N. Gallatin Avenue Ext.
P.O. Box 459
Uniontown, PA 15401

Dear Applicant,

PennDOT has reviewed your application for completeness, consistency and compliance with applicable Department Regulations. This review has identified issues that must be addressed in order for our review to continue.

The Department's review comments are attached.

Once the comments have been addressed, please resubmit the application and associated material for further review.

Upon resubmission, the applicant's engineer should put together a letter that describes how each comment has been addressed and where each can be found. This will help expedite the review. For guidance on HOP applications refer to 67 PA Code, Chapter 441, Chapter 459 and PennDOT Publication 282, "Highway Occupancy Permit Guidelines". Additional comments may follow upon review of the resubmitted application.

If you have any questions regarding this matter, you may contact William R. Krichbaum, Jr., District Permit Manager, at (724) 439-7228.

Response Comments

Date: 02/09/2023

Application Number: 297175, Cycle No.1

General

- (1) Setting up a teams meeting after reviewing the comments is advisable.
- (2) A letter of acknowledgement from Cecil Township for the proposed development indicating awareness of the HOP Plan submission must be provided for review. (Pa Code, Title 67, Chapter 441.3(j))
- (3) PennDOT Form M-950MPC, Land Use Questionnaire, must be completed and submitted with all Highway Occupancy Permit applications. (Sections 619.2 and 1105 of the Municipal Planning Code and PennDOT Publication 282, Chapter 3.3)
- (4) A copy of the Approval Letter for the Erosion and Sediment Pollution Control Plan from the County Conservation District is required for all local road, high volume driveway, and any other permit application that includes major earthwork.
- (5) An estimated cost for work within the PennDOT Legal Right-of-Way is required to be submitted for review. (PennDOT Publication 282, section 2.6)
- (6) The proposed development is located within an area which has an approved watershed storm water management plan and ordinances pursuant to the Commonwealth's Storm Water Management Act (32 P.S. § 680.1--680.17). A copy of the storm water consistency letter from the municipality is required. (Publication 282, Appendix B1)
- (7) Security in the form of an acceptable letter of credit is required for total highway restoration and maintenance costs within PennDOTs legal right-of-way. The minimum amount shall cover the costs for all restoration and maintenance of the highway for a period of at least three years after permit issuance. Provide security in the amount of 115% of accepted engineer's cost estimate in the form of an acceptable letter of credit (form M950L) the costs for all restoration and maintenance of the highway for a period of at least three years after permit issuance.

Application

- (1) Revise the EPS application Work Summary and provide a separate work summary for each proposed driveway.
- (2) Provide information that the PUC is aware of this project and has had the opportunity to provide comments.
- (3) Revise the applicant name in EPS to match the name on the deed exactly "D&J Fox Holdings, LLC"
- (4) Permit processing, review, and inspection fees are required. A check/money order in the amount of

\$90.00 must be submitted. (Pa. Code Title 67, Chapter 441.4) If the credit card option is selected, an email will be sent containing an invoice number and must be paid through PayPenndot prior to permit issuance.

- (5) Provide a copy of the recorded deed for parcel 140-005-00-00-0002-00, Montour Trail Council. The application must be submitted in the name of the person who holds fee title to the land or a person who holds an estate or other legal interest in property, such as an easement, a lease, a license, subsurface rights, or an equitable interest under a sales agreement or option to purchase. If not the fee owner of the property, along with documentation showing the applicant's interest in the property, please provide additional documentation required under 67 Pa Code, Chapter 441.3(b) and Publication 282, Chapter 2 - Driveway Applicant other than a Fee Owner.
- (6) Revise the following information on the M-950CFO for the Montour trail Council. Update the segments and offsets to include both driveways. Change the Permit Applicant from D&J Fox Holdings to "D&J Fox Holdings, LLC". If the Montour Trail Council is classified as any organization other than a corporation, then provide the appropriate signature/title in accordance to Pub 282 Appendix C-6. If the Montour Trail Council is a corporation then the current signature/title is acceptable. Resubmit for approval. Upon approval forward the original document to the district office.
- (7) Submit forms M-950IFO and M-950IC for the Montour Trail Council as per Pub 282 Ch. 2.2. Provide a certificate of insurance as required under Section 4 of M-950IFO. Submit the documents for approval. Upon approval forward the original documents to the district office. Direction on how to complete the documents can be found in Pub 282 Ch. 9. Follow the signature delegation in Pub 282 Appendix C-6.
- (8) Revise the M-950AA. Add the Permit Application No. to the form on sheet 1. Revise the segment and offsets to include both driveways. Revise the Applicant signature and/or title to be in accord with Pub 282 Appendix C-6. D&J Fox Holdings, LLC is a limited Liability Company (LLC) and thus combines features of a partnership and a corporation. The management and business affairs of a LLC is vested in members, unless the certificate of organization filed with the Department of State provides that management is vested in one or more managers. If the LLC is run by members, any member can sign. If the LLC is run by managers, any manager can sign. Alternatively provide a signature delegation from the members/managers stating that the Vice President may sign for D&J Fox Holdings, LLC (Pub. 282 Appendix C-6). Revise the Agent signature to conform with Pub. 282 Appendix C-6. HMT and Associates appears to be a corporation and the agent signature/title must follow the guidelines outline in Pub 282 Appendix C-6 for a corporation. Alternatively provide a signature delegation stating that the Civil Engineer may sign for HMT and Associates.

- (9) Provide the legal agreement between D&J Fox Holdings, LLC and Montour Trail Council that establishes property interest for D&J Fox Holdings, LLC to be the applicant.

Transportation Impact Study/Transportation Impact Assessment

- (1) Please address what will be done with the entire property, not just the infrastructure along PA 50. There is a lot of property on this parcel, much of which is either being used now or has been used in the past.
- (2) Further comments from the Traffic Unit will be provided. A review of work zones, signing, pavement markings, and traffic signals will not be completed until land use is approved.
- (3) Please generate trips for the site using the ITE Manual and the appropriate land use codes (LUCs) within that manual.
- (4) Have the Municipal Traffic Representative sign the scoping application and resubmit.

Plan Presentation

- (1) Place the EPS Application Number on the Plan.
- (2) Please provide the PennDOT plan of record or road docket for documentation of legal right of way. This information may be obtained by contacting the D-12 Survey Unit at 724-439-7316.
- (3) Provide the driveway radii and lane widths on the plan.
- (4) Provide information on overall site plan (Plan sheet 1 of 7) and clearly indicate all buildings with 2 maximum external dimensions, other structures, all internal roads the internal traffic circulation, parking and signs. Show property owners on south side of SR 50. Label state and local roads by number designation. Pa. Code, Title 67, Chapter 441.3(i)(3) and 441.3(i)(4))
- (5) The turning templates provided are incomplete. Provide turning templates with the occasional and design vehicle to verify driveway-turning radii for all turn movements at the intersection of S.R. 50 and the proposed driveways (Pa. Code, Title 67, Chapter 441.8(a)(2)). Clearly state the design and occasional vehicle. Provide the vehicle dimensions. Show leading and trailing vehicle wheel paths. With templates show a preferred 2-foot clearance (1 minimum) between the design vehicle wheel path and proposed driveway radii the center of road (dbl. yellow line) and edge of lane (white line) on SR 50. If a vehicle and/or turning movement will be restricted, provide the signing in accordance with Pub236M that will restrict this movement. Provide a detail of all proposed signs and posts on the plan.
- (6) Clearly label the PennDOT Legal Right of Way.
- (7) Complete General Permit Notes #10 and 11 for each proposed driveway.
- (8) Add Pub 282 Appendix C-2 General Permit Notes 26, 27, 28, 29, 30, 31, 32 to the notes on sheet 5.

- (9) Present all existing utilities on the plan view.
- (10) Label the type of existing guiderail and end treatments on the plan.
- (11) The south driveway will need revised to restrict the current unrestricted frontage. Construct concrete curb for the full radius length of driveway. Terminate the curb 2 feet behind shoulder with end tapers. The curb may be terminated at the legal right of way to align with parallel curb in lieu of concrete barrier. All areas shown with concrete barrier will be replaced with concrete curb with end tapers as needed. This parallel curb will be outside of legal right of way.
- (12) Provide a paving detail for the north drive as it shows concrete pavement.
- (13) Please address General Permit Note 10. No cars are listed, and this information is needed. Provide a breakdown of single unit trucks and combination trucks. If combination trucks are 5% of total traffic, then use Tables 2 and 6 in Regulation 441.8 for evaluation of combination truck sight distance.
- (14) Provide segment and offsets for each driveway radius and parallel curb. Show a Start Work and Stop Work for work limits on road. Then add Limits of Work as needed which are beyond the start and stop work.
- (15) The north driveway as shown has no controlled access and is 68 feet wide. Construct concrete curb to delineate driveway for the full radius length of driveway. Construct curb also in lieu of concrete barrier that is shown parallel to railroad tracks. Terminate curb on driveway 2 feet behind shoulder and include taper section.

Sight Distance- Driveways/Local Roads

- (1) Provide the "Safe Sight Distance" from 441.8(h) and the "Engineers Measured Sight Distance" on the plan.
- (2) PennDOT will only consider proposed access points meeting Safe Sight Distance (SSD) as listed in Tables 1 through 6 in 67 Pa Code, Chapter 441 unless it is impossible to achieve SSD at a point within the property frontage. Your proposed access point does meet Safe Stopping Sight Distance (SSSD) but will not be considered for issuance until established that SSD cannot be achieved along the property frontage and that it is being placed to achieve optimum sight distance. 67 Pa Code, Chapter 441.8(h).

Pavement Markings

- (1) The proposed concrete barrier does not offer a permanent solution to restricting driveways as it can be removed at any time. A permanent solution is to construct concrete curb in accordance with Road Construction RC-72 Standards.

Right-Of-Way (Design Manual Part III, Chapter 3)

- (1) Dimension the Legal and Required Right-of-Way Lines, as applicable, from the physical centerline of the road. (PennDOT Publication 14M, Chapter 3.5..A.1)

Drainage

- (1) Show all existing and proposed drainage features, public and private. List all pipes by size, type and direction of flow.

EXHIBIT E



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

IN REPLY PLEASE
REFER TO OUR FILE

February 15, 2024

A-2023-3043240

TO ALL PARTIES OF RECORD

Application of D&J Fox Holdings, LLC for approval of the alteration of the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, the tracks of MarkWest Liberty Midstream & Resources LLC through lease agreement/easement with property owner Montour Trail Council, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County.

To Whom It May Concern:

By Application filed on September 22, 2023, D&J Fox Holdings, LLC is seeking Commission approval to alter the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, one (1) track of MarkWest Liberty Midstream & Resources LLC / MPLX, operated thereon by Wheeling & Lake Erie Railway Company located in Cecil Township, Washington County. Montour Trail Council is the owner of the railroad property and MarkWest Liberty Midstream & Resources LLC / MPLX has a lease agreement/easement for the rail line.

In its application, D&J Fox Holdings, LLC states that it is submitting the application to comply with a Pennsylvania Department of Transportation directive and to enable further processing of its highway occupancy permit from Pennsylvania Department of Transportation (PennDOT). D&J Fox Holding, LLC avers that the highway occupancy permit application to PennDOT does not propose any change in usage of the property but rather seeks to formalize an existing usage that predated and survived a prior MarkWest Liberty Midstream & Resources, LLC application to the Commission docketed at A-2011-2223296.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on November 16, 2023 at the site of the subject crossing. Representatives of the D&J Fox Holdings, LLC, Pennsylvania Department of Transportation, Montour Trail Council, MPLX, Wheeling & Lake Erie Railway Company, KLH Engineers (consultant for D&J Fox Holding, LLC), Columbia Gas of Pennsylvania and Washington County attended the field conference. Although notified by letter sent via electronic mail on October 26, 2023, there were no representatives from Cecil Township, Verizon Pennsylvania LLC, Windstream, Pennsylvania American Water, Comcast or West Penn Power.

At the field conference, it was noted that State Route (S.R.) 0050 is a two (2) lane, two-way, bituminous paved roadway that crosses property of Montour Trail Council that has a lease agreement/easement for the rail line with one (1) track of MarkWest Liberty Midstream & Resources LLC (DOT 966 038 R), operated thereon by Wheeling & Lake Erie Railway Company with a concrete panel crossing surface in good condition. The crossing is equipped with a cantilever mounted automatically operated flashing-lights and gate on the eastbound approach roadway and post-mounted automatically operated flashing-light signals on the westbound approach roadway. Additional sets of post-mounted flashing-lights are present in the northwest and southeast quadrants of the crossing. Additional gates are located in the northwest quadrant to deter traffic from entering the crossing and track area north of Millers Run Road. Grade Crossing (Crossbucks) (R15-1), Emergency Notification (I-13) signs, Bicycle (W11-1) signs with supplemental AHEAD plaques (W16-9P), grade crossing advance warning signs (W10-1), stop lines and pavement markings are present on both approach roadways.

At the field conference, D&J Fox Holdings, LLC, through its consultant engineer, described the proposed project. D&J Fox Holdings, LLC, having agreed to do so, at its sole cost and expense, proposes to alter the crossing by reconfiguring private driveway access points onto S.R. 0050 and modifying the active warning devices at the crossing. Two discrete private driveways, with automatically operated flashing-lights and gates are proposed for the alteration. Additional guiderail and chain-link fencing are proposed to direct traffic entering and exiting the highway in the area of the crossing. At the field conference, the parties discussed the proposed alterations and agreed to modify the configuration of the warning devices from the plan attached to the application.

After the field conference, a teleconference was held on January 25, 2024, to discuss the revised plans for the project. During the teleconference, the parties agreed to the modifications to the plans and D&J Fox Holdings, LLC agreed to submit revised construction plans to the Commission for approval and all parties for review and consideration.

D&J Fox Holdings, LLC agrees to construct the project at its sole cost and expense and provide for maintenance and protection of highway and pedestrian traffic during the time the work is being performed. D&J Fox Holdings, LLC agrees to reimburse Wheeling & Lake Erie Railway Company for any costs incurred to construct or relocate the active warning devices and for providing engineering, watchman and flagman services in conjunction with the project.

Wheeling & Lake Erie Railway Company, at the sole cost and expense of the D&J Fox Holdings, LLC, agrees to construct or relocate the active warning devices and for providing engineering, watchman and flagman services in conjunction with the project.

At the time of the field conference, D&J Fox Holdings, LLC averred that it will not be necessary for the Commission to appropriate property for construction of the project but will submit right-of-way plans and metes and bounds descriptions at a later date if it is deemed necessary.

D&J Fox Holdings, LLC agrees to prepare and submit final detailed construction plans for the proposed project to the Commission for approval and the parties of record for consideration in this proceeding. Accordingly, it will be necessary for D&J Fox Holdings, LLC to do so prior to the start of construction.

It does not appear the facilities of non-carrier public utilities will be affected by the project. However, several non-carrier public utility companies were not present at the field conference to determine the extent of their project involvement. So that the parties are afforded the opportunity to fully participate, we will direct the non-carrier public utility companies to perform their project work, if any, at their initial cost. The parties will then determine at a later date whether they have been adequately compensated for their project work and whether a hearing is needed to resolve any remaining issues.

Upon completion of the project, Wheeling & Lake Erie Railway Company agrees to maintain all railroad facilities within the public highway right-of-way to include the automatically operated flashing-lights and gates for S. R. 0050 (Millers Run Road) and the crossing surface for the full width of the crossing, at its sole cost and expense. Further, Wheeling & Lake Erie Railway Company agrees to maintain the automatically operated flashing-lights and gates that are proposed outside of the public right-of-way through a separate private agreement.

Upon completion of the project, Pennsylvania Department of Transportation agrees to maintain the approach roadways of S. R. 0050 (Millers Run Road) up to the crossing surface, as well as the advance warning signs, stop lines, bicycle signs and pavement markings on the roadway approaches, at its sole cost and expense.

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

D&J Fox Holdings, LLC estimates the project cost to be \$63,197 and be 100% privately funded.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

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

The application of D&J Fox Holdings, LLC is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The application of D&J Fox Holdings, LLC for approval to alter the public crossing (DOT 966 038 R) by reconfiguring private driveway access points onto S.R. 0050 and modifying the active warning devices at the crossing where S.R. 0050 (Millers Run Road) crosses, at grade, the single track of MarkWest Liberty Midstream & Resources LLC through a lease agreement/easement with property owner Montour Trail Council, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County be and is hereby approved to the extent provided herein.
3. D&J Fox Holdings, LLC, having agreed to do so, at its sole cost and expense, furnish all material and perform all work necessary to construct the alteration project to include two (2) private concrete driveways, new chain-link fencing and Type 31-S strong post guiderail generally in accordance with this Secretarial Letter, and the approved plans.

4. Wheeling & Lake Erie Railway Company, at the sole cost and expense of D&J Fox Holdings, LLC and prior to the start of construction, prepare and submit a situation plan for the subject crossing to all parties for review and to the Commission for approval.

5. Wheeling & Lake Erie Railway Company, at the sole cost and expense of D&J Fox Holdings, LLC and prior to the start of construction, prepare and submit a circuitry plan for the subject crossing to all parties for review and to the Commission for approval, if appropriate.

6. D&J Fox Holdings, LLC, having agreed to do so, at its sole cost and expense and prior to the start of construction, prepare and submit to this Commission for approval and to all parties of record for examination, complete detailed construction plans, right-of-way plans and the appropriate property descriptions, if any, that is needed for the proposed crossing alteration project.

7. D&J Fox Holdings, LLC, having agreed to do so, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain all traffic controls that may be required to properly accommodate highway and pedestrian traffic during the time the crossing project is being constructed.

8. Wheeling & Lake Erie Railway Company, at the sole cost and expense of the D&J Fox Holdings, LLC, furnish all material and perform all work necessary to furnish 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 constructed.

9. Wheeling & Lake Erie Railway Company, at the sole cost and expense of D&J Fox Holdings, LLC, furnish all material and do all work necessary to alter the subject crossing by: 1) constructing the new or relocated post-mounted automatically operated flashing-lights and gates in accordance with the approved plans; 2) constructing a new or additional railroad signal bungalow; and 3) removal of the existing post-mounted flashing lights in the northwest quadrant of the crossing.

10. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company, municipality or municipal authority located within the limits of the Commission's jurisdiction, which may be required as incidental to the execution of the proposed project, be made by said public utility, municipality or municipal authority, at its initial cost and expense and in such manner as will not interfere with construction of the project.

11. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company, municipality or municipal authority located in private right-of-way within the limits of the Commission's jurisdiction, which may be required as incidental to the execution of the crossing project, be made by said public utility, municipality or municipal authority and in such manner as will not interfere with the project.

12. D&J Fox Holdings, LLC, having agreed to do so, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the crossing alteration project and any other ancillary features of the project, generally in accordance with this Secretarial Letter.

13. D&J Fox Holdings, LLC, at least ten (10) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

14. 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.

15. The alteration of the crossing be completed on or before June 30, 2025, and that on or before said date, D&J Fox Holdings, LLC report to this Commission in writing the actual date of completion of the work.

16. D&J Fox Holdings, LLC, having agreed to do so, at its sole cost and expense, pay all compensation for damages due to the owners of any property taken, injured or destroyed by reason of the alteration of the subject crossing in accordance with this Secretarial Letter.

17. Upon completion of the alteration of the subject crossing, Wheeling & Lake Erie Railway Company, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its railroad facilities at the crossing, including the crossbucks (R15-1), emergency notification signs (I-13), post-mounted flashing-light signals, cantilever mounted flashing-light signals, gates and all appurtenant equipment, and to maintain at all times in a smooth and satisfactory condition the high-type concrete crossing surface, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Pennsylvania Department of Transportation and Cecil Township ten (10) business days advance notice when performing any work as directed by this paragraph.

18. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway approaches to the subject crossing up to the high-type crossing surface and in addition, maintain the Bicycle (W11-1) signs with supplemental AHEAD plaques (W16-9P), grade crossing advance warning signs (W10-1), stop lines and pavement markings, if required, all in accordance with the Manual on Uniform Traffic Control Devices and this Secretarial Letter, and provide Wheeling & Lake Erie Railway Company and Cecil Township ten (10) business days advance notice when performing any work as directed by this paragraph.

19. This Secretarial Letter is without prejudice to the right of any party to recover all or part of any costs incurred by said party in compliance with the provisions of this Secretarial Letter, in accordance with any lawful agreement between it and any other party.

20. The terms of any agreement established in accordance with Paragraph No. 19 of this Secretarial Letter shall not preclude the Pennsylvania Public Utility Commission from taking any action necessary to protect the public interest, including but not limited to the reassignment or enforcement of any costs or responsibilities assigned or transferred as a result of this Secretarial Letter.

21. 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 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.

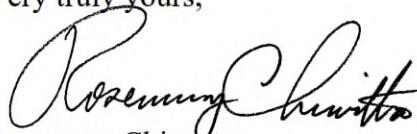
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax 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,



Rosemary Chiavetta
Secretary

EXHIBIT F



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

IN REPLY PLEASE
REFER TO OUR FILE

March 14, 2024

A-2023-3043240

TO ALL PARTIES OF RECORD

Application of D&J Fox Holdings, LLC for approval of the alteration of the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, the tracks of MarkWest Liberty Midstream & Resources LLC through lease agreement/easement with property owner Montour Trail Council, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County.

To Whom It May Concern:

Paragraph 6 of the Commission's Secretarial Letter dated February 15, 2024, directed that detailed construction plans for the project involved herein be submitted for approval.

The detailed construction plan was received February 23, 2024, with D&J Fox Holding, LLC averring that a copy was served on all the parties of record by electronic mail. The plan is identified as "LOW VOLUME HIGHWAY OCCUPANCY PERMIT SITE PLAN" and consists of one (1) sheet of construction plans.

No objection to the plans was received by the Commission.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and approves the detailed construction plan submitted by D&J Fox Holding, LLC.

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,

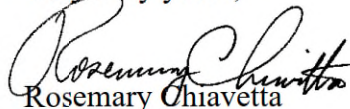

Rosemary Chiavetta
Secretary

EXHIBIT G



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

IN REPLY PLEASE
REFER TO OUR FILE

July 25, 2025

A-2023-3043240

TO ALL PARTIES OF RECORD

Application of D&J Fox Holdings, LLC for approval of the alteration of the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, the tracks of MarkWest Liberty Midstream & Resources LLC through lease agreement/easement with property owner Montour Trail Council, operated thereon by Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County.

To Whom It May Concern:

By Secretarial Letter dated February 15, 2024, we directed the alteration of the crossing (DOT 966 038 R) where State Route 0050 (Millers Run Road) crosses, at grade, one (1) track of Wheeling & Lake Erie Railway Company, located in Cecil Township, Washington County. All work at the subject crossing was to be completed on or before June 30, 2025.

By petition filed on June 26, 2025, D&J Fox Holdings, LLC requests the Commission grant an extension of time in which to complete the work due to the availability of resources, delays in obtaining necessary permits and/or design drawings and other matters.

We have carefully reviewed the record in this proceeding and will grant D&J Fox Holdings, LLC an extension of time to June 30, 2026.

This Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code.

THEREFORE:

The petition received by the Commission on June 26, 2025, from D&J Fox Holdings, LLC, be and is hereby granted to the extent herein directed:

1. Paragraph 15 of our Secretarial Letter dated February 15, 2024, which reads as follows, to wit:

“15. The alteration of the crossing be completed on or before June 30, 2025, and that on or before said date, D&J Fox Holdings, LLC report to this Commission in writing the actual date of completion of the work.”

be and is hereby modified to read:

15. The alteration of the crossing be completed on or before June 30, 2026, and that on or before said date, D&J Fox Holdings, LLC report to this Commission in writing the actual date of completion of the work.

2. In all respects not inconsistent herewith, our Secretarial Letter dated February 15, 2024, remain in full force and effect.

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 that reads "Matthew L. Homsher". The signature is written in a cursive style with a large, stylized initial "M".

Matthew L. Homsher
Secretary