

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of D&J Fox Holdings, LLC for :
Approval of the Alteration of the Crossing :
966038R where SR 50 (Millers Run Road) : A-2023-3043240
Crosses at Grade the Tracks of Wheeling & Lake :
Erie Railway Company, Located in Cecil :
Township in Washington County, Pennsylvania :

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 a telephonic prehearing conference in the above-captioned case.

THEREFORE,

IT IS ORDERED:

1. That a call-in prehearing conference shall be held at 1:00 p.m. on Wednesday, May 27, 2026. The call-in information is as follows:

Toll-free Bridge Number: 866.759.6860
Passcode Number: 71568747

2. Please review the regulations pertaining to prehearing conferences, 52 Pa. Code §§ 5.221-5.224, and in particular, § 5.222(d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for a 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.

3. The following issues will be discussed at the conference:
 - a. The presently identified issues.
 - b. How this matter should proceed.

4. The following issues may be discussed at the conference:
 - a. Development of a procedural schedule.
 - b. The names and addresses of proposed witnesses.
 - c. The proposed area of testimony of each witness.

The parties are not required to submit prehearing conference memorandums in advance of the conference.

5. Pursuant to 52 Pa. Code §§ 1.21 and 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. However, if you are a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall ensure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

6. Parties should review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, inter alia, that “a party shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require my participation to resolve. All motions to compel shall contain a certification by counsel setting forth the specific

actions the parties have undertaken to resolve their discovery disputes informally. If a motion to compel does not contain this certification, I shall contact the parties and direct them to resolve the matter informally and provide the certification if they are unsuccessful. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

7. 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, and any order or ruling with respect thereto. 52 Pa. Code §§ 5.222(e), 5.224.

8. That a request for a change of the scheduled prehearing conference date shall state the agreement or opposition of other parties, and must be emailed to me at egannon@pa.gov and sent to all parties, no later than five (5) days prior to the prehearing conference. 52 Pa. Code § 1.15(b). For your convenience, a copy of the Commission's current service list of all parties (with available email addresses) is attached to this Order.

9. You must serve the presiding Administrative Law Judge directly with a copy of any document that you file in this proceeding, by email at egannon@pa.gov. If you send the undersigned any correspondence or document, you must send a copy to all other parties.

Date: May 11, 2026

/s/
Erin L. Gannon
Administrative Law Judge

A-2023-3043240 - 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

D&J FOX HOLDINGS LLC
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(Counsel for D&J Fox Holdings LLC)

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ATTN: RAILROAD CROSSING NOTICES
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