

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge structure (BRKEY 3298) and	:	
roadway closure at the public crossing	:	
(DOT 869 358 A) where Clinton Road	:	
(T-881) crosses, above grade, a single track	:	Docket No. A-2025-3056642
of Buffalo & Pittsburgh Railroad, Incorporated,	:	
located in South Buffalo Township,	:	
Armstrong County	:	

PREHEARING CONFERENCE ORDER

In accordance with the provisions of 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.221-5.224, the Commission has scheduled an initial prehearing conference in the above-captioned case.

THEREFORE,

IT IS ORDERED:

1. That an initial call-in prehearing conference shall be held at **10:00 a.m.** on **Tuesday, June 23, 2026**. The call-in information is as follows:

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

2. That on or before **Wednesday, June 17, 2026**, parties shall file and serve initial prehearing conference memoranda which shall address:

a. The history of the proceeding;

- b. A list of issues in this proceeding and your position on each issue or sub-issue listed;
- c. A proposed plan and schedule of discovery (if needed);
- d. A listing of your proposed witnesses and the subject of their testimony;
- e. The possibility of settlement;
- f. A proposed litigation schedule, including in-person hearing dates, agreed to by all parties if possible; and
- g. Any other matter deemed appropriate.

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

3. That pursuant to 52 Pa. Code §§ 1.21 & 1.22, if you are an individual, you may represent yourself, or you may be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *pro hac vice*. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *pro hac vice*. Unless you are an attorney, you may not represent someone else. Attorneys shall ensure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

4. That the parties shall review the regulations pertaining to prehearing conferences, at 52 Pa. Code §§ 5.222 and 5.224. The parties should especially focus on 52 Pa. Code § 5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

5. That the parties shall conduct discovery pursuant to 52 Pa. Code §§ 5.321-5.373. I encourage the parties to cooperate and exchange information on an informal basis. *See* and 52 Pa. Code § 5.322. The parties may also use alternative means of discovery, such as discovery conferences or depositions. All discovery requests should be as narrowly tailored as possible, and parties should coordinate their discovery if possible. Discovery responses are due on a best-efforts basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require my participation to resolve. All motions to compel shall contain a certification by counsel setting forth the specific actions the parties have undertaken to resolve their discovery disputes informally. If a motion to compel does not contain this certification, I will contact the parties and direct them to resolve the matter informally and provide the certification if they are unsuccessful. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

6. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expense in litigation and conserve precious administrative hearing resources. 52 Pa. Code §§ 5.232, 5.234. All stipulations shall be reduced to writing, signed by the parties to be bound thereby. An exception to this requirement may occur when circumstances warrant. In those warranted circumstances, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

7. That failure of a party to attend the initial prehearing conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa. Code §§ 5.222(e) & 5.224.

8. That a request for a change of the scheduled initial prehearing conference date shall state the agreement or opposition of other parties, and shall be submitted in writing, via email, no later than five (5) days prior to the initial prehearing conference. 52 Pa. Code § 1.15(b). My email address is callenswor@pa.gov. Such changes are granted only in rare situations where sufficient cause exists. In accordance with the foregoing, absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference.

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

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

Date: May 13, 2026

/s/
Chad L. Allensworth
Administrative Law Judge

A-2025-3056642 - Bridge structure (BRKEY 3298) and roadway closure at the public crossing (DOT 869 358 A) where Clinton Road (T-881) crosses, above grade, a single track of Buffalo & Pittsburgh Railroad, Incorporated, located in South Buffalo Township, Armstrong County

DARIN ALVIANO
COUNTY OF ARMSTRONG
402 MARKET STREET
KITTANNING PA 16201
724-548-3223
724-545-7050
planning@co.armstrong.pa.us
Served via email May 13, 2026

RICHARD PAVETTO DIRECTOR OF
OPERATIONS
BUFFALO AND PITTSBURGH RAILROAD
100 B&P LANE
BUTLER PA 16001
716.277.6556
richard.pavetto@gwrr.com
Served via eService May 13, 2026

AARON M PONZO
AARON M PONZO ESQUIRE
FOUR GATEWAY CENTER
444 LIBERTY AVENUE SUITE 1000
PITTSBURGH PA 15222-1225
412.392.5506
412.335.0460
aponzo@dmclaw.com
Served via eService May 13, 2026

BARRY J BASOM PE ACTING CHIEF
ROW UTILITIES AND GRADE CROSSING
DIVISION PENNDOT
PO BOX 3362
400 NORTH STREET
HARRISBURG PA 17105-3362
717.783.9456
babasom@pa.gov
Served via email May 13, 2026

MARK CHAPPELL PE CHIEF
PENNDOT UTILITIES & RIGHT-OF-WAY
SECTION BUREAU OF PROJECT
DELIVERY
400 NORTH STREET
PO BOX 3362
HARRISBURG PA 17105-3362
marchappel@pa.gov
Served via email May 13, 2026

ROBERT KOPACZ ASSISTANT GENERAL
COUNSEL
DEPARTMENT OF TRANSPORTATION
100 LACKAWANNA AVENUE
SCRANTON STATE OFFICE BUILDING
ROOM B-2
SCRANTON PA 18503-3087
570.963.4745
570.963.3087
rkopacz@pa.gov
Served via email May 13, 2026

SARAH J FENTON ADMINISTRATOR
PENNDOT
55 Keyston Industrial Park
DUNMORE PA 18512
570.963.4995
sfenton@pa.gov
Served via eService May 13, 2026

TIM HANN
PENNDOT
55 KEYSTONE INDUSTRIAL PARK
DUNMORE PA 18512
tihann@pa.gov
Served via email May 13, 2026

JOSEPH P DUBOVI III PE CHIEF
PENNDOT DISTRICT 10-0
ATTN: SCOTT K SNYDER PE
2550 OAKLAND AVENUE PO BOX 429
INDIANA PA 15701-0429
Served via USPS First-class mail May 13,
2026

KRISTIN LANGER
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION
400 NORTH STREET
PO BOX 3362
HARRISBURG PA 17105-3362
klanger@pa.gov
Served via email May 13, 2026

JEFFREY MATKO
PENNDOT
2550 Oakland Ave
INDIANA PA 15701
724.357.2526
jmatko@pa.gov
Served via eService May 13, 2026

JONATHAN MOSES
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION
45 THOMAS RUN ROAD
BRIDGEVILLE PA 15017
jmoses@pa.gov
Served via email May 13, 2026

NICHOLAS PANCHIK
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION DISTRICT 10-0
2550 OAKLAND AVENUE
PO BOX 429
INDIANA PA 15701-0429
npanchik@pa.gov
Served via email May 13, 2026

ANTHONY PIOLI
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION DISTRICT 10-0
2550 OAKLAND AVENUE
PO BOX 429
INDIANA PA 15701-0429
anpioli@pa.gov
Served via email May 13, 2026

SCOTT SNYDER
PENNDOT DISTRICT 10-0
PO BOX 429
2550 OAKLAND AVENUE
INDIANA PA 15701
scotsnyder@pa.gov
Served via email May 13, 2026

CHRISTINE SPANGLER
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION
400 NORTH STREET 7TH FLOOR
PO BOX 3161
HARRISBURG PA 17105-3161
cspangler@pa.gov
Served via email May 13, 2026

REBECCA WEHRLE
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION
2550 OAKLAND AVENUE
PO BOX 429
INDIANA PA 15701-0429
rwehrle@pa.gov
Served via email May 13, 2026

MICHELE BRESTENSKY TOWNSHIP
SECRETARY
SOUTH BUFFALO TOWNSHIP
384 IRONBRIDGE ROAD
FREEPORT PA 16229
724.295.0455
sbtwp@comcast.net
Served via eService May 13, 2026

MARK TOBIN
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION
400 NORTH STREET 6TH FLOOR
PO BOX 3365
HARRISBURG PA 17105-3365
mtobin@pa.gov
Served via email May 13, 2026

JAMES A FAVERO ATTORNEY
JAMES A FAVERO LAW OFFICE
216 N JEFFERSON SUITE 2
KITTANNING PA 16201
724.545.7711
attyfavero@windstream.net
Served via eService May 13, 2026