

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PPL Electric Utilities Corporation for	:	
approval of the alteration of the crossing where State	:	
Route 1005 (Mount Sidney Road) crosses, above grade,	:	
tracks of the National Railroad Passenger Service	:	A-2025-3054947
(AMTRAK) (DOT 518 160 Y) for the purpose of	:	
replacing an existing utility pole and relocating	:	
aerial utility lines in East Lampeter Township, Lancaster	:	
County	:	

**ORDER**  
**SUSPENDING PROCEDURAL SCHEDULE**  
**AND DIRECTING SUBMISSION OF A STATUS REPORT BY JULY 1, 2026**

On May 2, 2025, PPL Electric Utilities Corporation (PPL) filed an Application for Approval of the Alteration of the Crossing 518160Y by the Installation of Electric Facilities where Mount Sidney Road (State Road 1005) crosses by Overpass the Tracks of Amtrak, Located in East Lampeter Township in Lancaster County (Application).

On June 16, 2025, the National Railroad Passenger Corporation (Amtrak) filed a Letter, objecting to the Application.

On July 1, 2025, PPL filed Preliminary Objections to Amtrak's Letter.

On July 7, 2025, PPL and Amtrak filed a Stipulation to Extend the Deadline for Amtrak's Response to PPL Electric Utilities Corporation's Preliminary Objections to Amtrak's Letter Objection to its May 1, 2025 Application.

On July 23, 2025, PPL and Amtrak filed a Second Stipulation to Extend the Deadline for Amtrak's Response to PPL Electric Utilities Corporation's Preliminary Objections to Amtrak's Letter Objection to its May 1, 2025 Application.

On August 13, 2025, Amtrak filed a Protest to the Application. Also on August 13, 2025, Amtrak filed an Answer and New Matter to the Preliminary Objections.

On September 2, 2025, PPL filed a Reply to Amtrak's New Matter.

On September 17, 2025, Amtrak filed a Motion to Supplement the Record.

On October 7, 2025, PPL filed an Answer to Amtrak's Motion to Supplement the Record.

On February 12, 2026, the Commission issued a Telephonic Prehearing Conference Notice, setting this proceeding for a prehearing conference on March 10, 2026 at 10:00 a.m. On February 17, 2026, and in accordance with the provisions of 66 Pa.C.S. §333 and 52 Pa.Code §§5.221-5.223, a Prehearing Conference Order was issued outlining various procedural matters to be addressed at the prehearing conference scheduled for March 10, 2026.

On March 6, 2026, PPL, Amtrak, and the Commission's Bureau of Investigation and Enforcement (I&E), filed prehearing conference memoranda, outlining their respective positions on various procedural matters. The prehearing conference convened on March 10, 2026, as scheduled. Graig Schultz, Esquire, appeared on behalf of PPL; Kenneth Stark, Esquire, Victoria Geddis, Esquire, and Thomas Bloom, Esquire, appeared on behalf of Amtrak; and Grant Rosul, Esquire, appeared on behalf of PPL.

On March 11, 2026, a Scheduling Order was issued, setting forth the procedural matters addressed during the prehearing conference, as well as further direction to the parties. Ordering Paragraph No. 2 of the Scheduling Order established a procedural schedule.

On May 13, 2026, I received the following e-mail from Mr. Rosul, on behalf of the parties:

I am writing to update you regarding what the parties discussed at the settlement conference held this morning in the subject case. PPL and Amtrak have jointly engaged a surveyor to determine whether the PPL line that is the subject of the Application is within the rail-highway crossing right of way. We do not yet know the schedule of the surveyor. However, given that they surveying will likely not be completed by the time of the June 15, 2025, date for the submission of direct written testimony in this matter, the parties would like to request that the current scheduling order be suspended until a new scheduling order that will accommodate the surveyor can be arranged.

On May 14, 2026, I sent an e-mail to the parties stating that, given the parties' update, I will issue an order suspending the current procedural schedule. Additionally, I informed parties that I would direct parties to provide a status update by no later than July 1, 2026.

Commission regulations allow motions, and motions may make a request for relief. 52 Pa. Code §§ 5.1(a)(6), 5.103(a). Rulings of a presiding officer made at a prehearing conference will control the subsequent course of the hearing, unless modified for good cause shown. 52 Pa. Code § 5.223(a). The Commission has recognized the Pennsylvania Supreme Court's definition of good cause as "conduct which is reasonable under all the circumstances, thereby justifying the [c]laimant's actions." *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered November 4, 2020); *In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, 1992 Pa. PUC LEXIS 56 (Pa. P.U.C. 1992) (citing *Frumento v. Unemployment Comp. Bd. of Review*, 351 A.2d 631 (Pa. 1976)).

Additionally, Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a).

Amtrak has stated that a threshold factual and jurisdictional issue in this case is whether PPL's electric poles at issue are located within the public right-of-way of the railroad crossing or the public highway. Amtrak Prehearing Conference Memorandum; Tr. 15. PPL and I&E agree that performance of a survey is threshold matter. Tr. 17-19. To that end, as was stated in the May 13, 2026 e-mail, PPL and Amtrak have jointly engaged a surveyor to determine whether the PPL line that is the subject of the Application is within the rail-highway crossing right of way. Therefore, I find there is good cause to suspend the procedural schedule established at Ordering Paragraph No. 2 of the Scheduling Order to provide the parties additional time to perform the survey before proceeding with further litigation deadlines.

Additionally, although the request for a suspension of the procedural schedule was not presented as a written motion, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Since parties all agreed to the request, I find it appropriate to disregard the request for a continuance not being filed as a motion.

However, parties will be directed to provide a status report by July 1, 2026. After receipt of status reports, a status conference and/or further prehearing conference may be scheduled, and a procedural schedule may be reestablished, if necessary.

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the procedural schedule established by Ordering Paragraph No. 2 of the Scheduling Order issued on March 11, 2026, is suspended.

2. That, by July 1, 2026, all parties shall provide a status report to the undersigned, either separately or jointly, to include the parties' understanding of what issues are still in dispute and the need for further proceedings.

3. That a status conference and/or further prehearing conference may be scheduled, and a procedural schedule may be reestablished, if necessary.

Date: May 19, 2026

/s/  
\_\_\_\_\_  
John M. Coogan  
Administrative Law Judge

**A-2025-3054947 - APPLICATION OF PPL ELECTRIC UTILITIES FOR APPROVAL OF THE ALTERATION OF THE CROSSING 518160Y BY THE INSTALLATION OF ELECTRIC FACILITIES WHERE MOUNT SIDNEY ROAD (STATE ROAD 1005) CROSSES BY OVERPASS THE TRACKS OF AMTRAK, LOCATED IN EAST LAMPETER TOWNSHIP IN LANCASTER COUNTY**

*Revised March 10, 2026*

RONALD J. REYBITZ ESQUIRE  
\*GRAIG M. SCHULTZ ESQUIRE  
FITZPATRICK LENTZ AND BUBBA  
645 WEST HAMILTON STREET, SUITE 800  
ALLENTOWN PA 18101-2109

**610.797.9000**

[rreybitz@flblaw.com](mailto:rreybitz@flblaw.com)

[gschultz@flblaw.com](mailto:gschultz@flblaw.com)

Served via USPS First Class Mail May 19,  
2026

\*Served via eService May 19, 2026

GRANT ROSUL ESQUIRE

PA PUC BIE

400 NORTH STREET

HARRISBURG PA 17120

**717.783.5423**

[grosul@pa.gov](mailto:grosul@pa.gov)

Served via eService May 19, 2026

KENNETH R. STARK ESQUIRE  
SUSAN E. BRUCE ESQUIRE  
VICTORIA GEDDIS ESQUIRE  
MCNEES WALLACE AND NURICK LLC  
100 PINE STREET  
HARRISBURG PA 17108-1166

**717.237.5378**

**717.237.5254**

**223.225.4640**

**717.232.8000**

[kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com)

[sbruce@mcneeslaw.com](mailto:sbruce@mcneeslaw.com)

[vgeddis@mcneeslaw.com](mailto:vgeddis@mcneeslaw.com)

Served via eService May 19, 2026