|  |  |  |
| --- | --- | --- |
| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

August 26, 2013

A-2013-2371441

TO ALL PARTIES

Application of Sunesys LLC for approval to alter the public crossing where Clinton Street crosses at grade the tracks of Canadian National Railway (Bessemer and Lake Erie RR Line) in Greenville, Mercer County, (DOT#051974X) by the installation of one (1)- 2" conduit and one (1) 24ct Fiber Optic Cable.

To Whom It May Concern:

By application filed with the Commission on June 27, 2013, Sunesys, LLC seeks Commission approval to alter the crossing by the installation of a new communication line along Clinton Street where the borough road crosses, at grade, the tracks of Bessemer and Lake Erie Railroad, in Greenville Borough, Mercer County.

The new communication line will be installed by boring beneath the railroad track at the crossing. A minimum cover of ten (10) feet will be provided below the rails.

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

In its application, Sunesys, LLC states that the proposed installation is necessary to improve service to the public. Sunesys, LLC agrees to perform the necessary installation, provide for maintenance and protection of highway and pedestrian traffic during installation and accept future maintenance responsibility for the new communication line, at its sole cost and expense. The estimated cost of this project is $25,000.00.

All work is to be performed in accordance with the plans entitled: “PROPOSED UNDERGROUND FIBER OPTIC CABLE, Clinton street at bessemer & lake erie rr borough of greenville mercer county, pa.,” attached to the subject application.

Sunesys, LLC has served a copy of the application and installation plan on Mercer County, Borough of Greenville, Greenville Water Authority, Bessemer and Lake Erie Railroad, Pennsylvania Power, Verizon of Pennsylvania, Time Warner Cable, Reynolds Utilities, National Fuel Gas and Pennsylvania Department of Transportation. All parties in interest were queried by letter dated July 31, 2013 as to any objection to the subject application. None of the parties have responded with any objection to the subject application.

Upon full consideration of the matters involved, we find that a hearing is not necessary and that a Secretarial Letter may be issued approving the application.

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

The application of Sunesys, LLC is approved as herein directed:

1. The crossing where Clinton Street crosses, at grade, the tracks of Bessemer and Lake Erie Railroad, in Greenville Borough, Mercer County be altered generally in accordance with the installation plans entitled: “PROPOSED UNDERGROUND FIBER OPTIC CABLE, Clinton street at bessemer & lake erie rr borough of greenville mercer county, pa.,” consisting of two (2) sheets filed with the Commission on June 27, 2013.

2. Sunesys, LLC, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the installation of a new communication line within the right-of-way of the highway where Clinton Street crosses, at grade, the tracks of Bessemer and Lake Erie Railroad, all in accordance with the approved plan and this Secretarial Letter.

3. Sunesys, LLC, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.

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

5. Bessemer and Lake Erie Railroad, at the sole cost and expense of Sunesys, LLC furnish all material and perform all work relating to its facilities which may be required as incidental to the performance of the proposed work and furnish any 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 installed.

6. Sunesys, LLC, at its sole cost and expense, furnish all material and perform all work necessary to complete the remainder of the project, and any other ancillary features of the project, generally in accordance with the approved plan and this Secretarial Letter.

7. The alteration of the crossing be completed on or before December 31, 2015, and that on or before said date, Sunesys, LLC, report in writing the date of actual completion of the work to this Commission and certify to the parties of record and this Commission that the work has been completed in accordance with the approved plan and this Secretarial Letter.

8. Sunesys, LLC, at its sole cost and expense, pay all compensation for damages, if any, due to owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

9. 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.

10. Sunesys, LLC, cooperate with the non-carrier public utilities involved, so that during the alteration of the involved crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

11. Sunesys, LLC, at least seven (7) days prior to the start of work, notify all parties in interest of the actual date on which work will begin.

12. Upon completion of the alteration of the crossing, Sunesys, LLC, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the new communication line and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

13. Upon completion of the alteration of the crossing, Bessemer and Lake Erie Railroad, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing, including the warning devices and all appurtenant equipment and maintain at all times in a smooth and satisfactory condition the crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, the Greenville Borough at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadways to the subject crossing to points twenty-four (24) inches beyond each outside rail and in addition, maintain the grade crossing advance warning signs, stop lines and pavement markings, if required, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

15. 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.

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,

Rosemary Chiavetta

Secretary