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

May 6, 2015

A-2015-2472402

TO ALL PARTIES

Application of Sunesys LLC for approval to alter the public crossing where Pittston Ave (S.R. 0011) crosses above grade the tracks of Canadian Pacific Railway in Avoca, Luzerne County, DOT 249 677 G.

To Whom It May Concern:

At a location in Avoca Borough, Luzerne County, Pittston Ave (S.R. 0011) crosses above grade the tracks of Canadian Pacific Railway.

By application filed with the Commission on March 4, 2015, Sunesys LLC seeks Commission approval to install an aerial fiber optic cable attached on the west side of the highway bridge. The new conduit will be attached to the thru-truss members.

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 provide better service to its customers. 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.

All work is to be performed in accordance with the plan entitled: “sunesys drawings for highway occupancy permit for fiber optic cable installation of us 11 main st pittston, luzerne county, pennsylvania,” consisting of three (3) sheets and attached to the subject application.

Sunesys LLC has served a copy of the application and installation plans on Pennsylvania Department of Transportation, Luzerne County, Avoca Borough, Reading Blue Mountain & Northern Railroad, Canadian Pacific Railway, Verizon and PPL Electric Utilities. All parties in interest were queried by letter dated March 31, 2015 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 Pittston Avenue (S.R. 0011) crosses, above grade, the track of Canadian Pacific Railway in Avoca Borough, Luzerne County, be altered generally in accordance with the installation plan entitled: “sunesys drawings for highway occupancy permit for fiber optic cable installation of us 11 main st pittston, luzerne county, pennsylvania,” attached to the subject application, filed with the Commission on March 4, 2015; which plan is made part hereof and are hereby approved.

1. Sunesys LLC, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the installation of fiber optic cable at the public crossing where Pittston Avenue crosses, above grade, the track of Canadian Pacific Railway in Avoca Borough, Luzerne County, all in accordance with the approved plan and this Secretarial Letter.
2. 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.
3. 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.
4. Pennsylvania Department of Transportation, 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 inspectors and/or engineering services that may be deemed necessary to protect the bridge components during the time the facilities are being installed.
5. 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.
6. The alteration of the crossing be completed on or before June 30, 2016, 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 satisfactorily completed in accordance with the approved plans and this Secretarial Letter.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 aerial communication line and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.
12. Upon completion of the alteration of the crossing, Canadian Pacific Railway, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing.
13. Upon completion of the alteration of the crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway facilities at the subject crossing.
14. 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.

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