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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 14, 2015

A-2015-2472408

TO ALL PARTIES

Application of Zito Media Communications II LLC for approval of the alteration of the crossing (DOT 051 806 S) by the installation of aerial fiber optic cable where Main Street crosses, at grade, the track of Canadian National Railway located in the Borough of Fredonia, Mercer County.

To Whom It May Concern:

By application filed with the Commission on March 16, 2015, Zito Media Communications II, LLC seeks Commission approval to install a fiber optic cable over a public crossing (DOT 051 806 S) by the installation of aerial fiber optic cable where Main Street, State Route 3024, crosses, at grade, the track of Canadian National Railway located in the Borough of Fredonia, Mercer County.

Zito Media Communications II, LLC will install an aerial fiber optic cable to two (2) existing poles crossing over the at-grade crossing of Main Street and the tracks of Canadian National Railway. A minimum vertical clearance of twenty-nine feet eleven inches (29’-11”) will be provided above 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, Zito Media Communications II, LLC states that the proposed installation is necessary to provide a connection to between a network access point from customers in Erie City to the Borough of Fredonia. Zito Media Communications II, 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 drawings labeled, “ZITO MEDIA PROPOSED RAILROAD CROSSING”, consisting of two (2) sheets attached to the subject application.

Zito Media Communications II, LLC has served a copy of the application and installation plans on Canadian National Railway, Bessemer & Lake Erie Railroad, Pennsylvania Department of Transportation, Pennsylvania Power Company, Verizon, Time Warner Cable, Borough of Fredonia, and Mercer County. All parties in interest were queried by letter dated April 2, 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 Zito Media Communications II, LLC is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.

2. The crossing (DOT 051 806 S) where Main Street (State Route 3024) crosses, at grade, the track of Canadian National Railway located in the Borough of Fredonia, Mercer County, be altered generally in accordance with the drawings labeled, “ZITO MEDIA PROPOSED RAILROAD CROSSING”, consisting of two (2) sheets attached to the subject application, filed with the Commission on March 16, 2015; which plans are made part hereof and are hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.

3. Zito Media Communications II, LLC, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by the installation of new fiber optic cable over a public crossing where Main Street crosses, at grade, the track of Canadian National Railway located in the Borough of Fredonia, Mercer County, all in accordance with the approved plans and this Secretarial Letter.

4. Zito Media Communications II, 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.

5. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than Zito Media Communications II, 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.

6. Canadian National Railway, at the sole cost and expense of Zito Media Communications II, 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.

7. Zito Media Communications II, 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.

8. The alteration of the crossing be completed on or before March 31, 2016, and that on or before said date, Zito Media Communications II, 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.

9. Zito Media Communications II, 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.

10. 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.

11. Zito Media Communications II, 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.

12. Zito Media Communications II, 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.

13. Upon completion of the alteration of the crossing, Zito Media Communications II, LLC, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain the fiber optic cable and any ancillary facilities installed in accordance with the approved plan and this Secretarial Letter.

14. Upon completion of the alteration of the crossing, Canadian National Railway, 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 automatic flashing-light signals and maintain at all times, in a smooth and satisfactory condition, the crossing surface between the rails, and for a distance of twenty-four (24) inches beyond the outermost rails, and all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

15. 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 its highway approach roadways to the subject crossing to points twenty-four (24) inches beyond the outermost rails, 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.

16. 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