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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 28, 2015

A -2015-2469171

TO ALL PARTIES

Application of Salsgiver Telecom, Inc., for approval of the alteration of the crossing where SR 0058 crosses, below grade, the railroad tracks of Bessemer & Lake Erie Railroad (DOT# 051 773 G), located in Pine Township, Mercer County.

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To Whom It May Concern:

By application filed with the Commission on February 19, 2015, Salsgiver Telecom seeks Commission approval to alter the crossing by the installation of a fiber optic cable where SR 0058 crosses, below grade, the railroad tracks of Bessemer & Lake Erie Railroad (DOT# 051 773 G), located in Pine Township, Mercer County. The new aerial fiber optic cable will attach to existing utility poles and go through the bridge structure. A minimum vertical clearance of 16.5 feet will be provided from the road surface to the new aerial fiber optic cable.

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.

Salsgiver Telecom has served a copy of the application and installation plan to the following parties: Pennsylvania Department of Transportation, Bessemer & Lake Erie Railroad, Pine Township, Mercer County, and Verizon. All parties in interest were queried by letter dated February 22, 2015 as to any objection to the subject application. None of the parties have responded with any objection to the subject application.

In its application, Salsgiver Telecom states that the proposed installation is necessary to serve customers with high speed fiber optic facilities. Salsgiver Telecom will be directed to perform the necessary installation, provide for maintenance and protection of highway traffic during installation and accept future maintenance responsibilities of the aerial conduit, at its sole cost and expense. The estimated cost of this project is $1,500.

All work is to be performed in accordance with the drawing plans attached to the application as Exhibit A.

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 Salsgiver Telecom is approved as herein directed:

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

2. The crossing where SR 0058 crosses, below grade, the railroad tracks of Bessemer & Lake Erie Railroad (DOT# 051 773 G), located in Pine Township, Mercer County, be altered generally in accordance with Salsgiver Telecom application filed February 19, 2015, and attached plan entitled: “EXHIBIT A”, consisting of three (3) sheets, which 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. Salsgiver Telecom, at its sole cost and expense, furnish all material and perform all work necessary to alter the crossing by installation of the aerial conduit within the right-of-way of the highway where SR 0058 crosses, below grade, the railroad tracks of Bessemer & Lake Erie Railroad, all in accordance with Salsgiver Telecom’s application and this Secretarial Letter.

4. Salsgiver Telecom, 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 safety accommodate highway and pedestrian traffic during the time the crossing is being altered.

5. Bessemer & Lake Erie Railroad, at the sole cost and expense of Salsgiver Telecom, 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. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility, other than Salsgiver Telecom, 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.

7. Salsgiver Telecom, 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 November 30, 2017, and that on or before said date, Salsgiver Telecom, will report in writing the date of actual completion of the work to this Commission and all parties of interest.

9. Salsgiver Telecom, at its sole cost and expense, will 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. Salsgiver Telecom, cooperate with the non-carrier utilities involved so that during the alteration of the subject crossing, the facilities of the non-carrier utilities will not be endangered or unnecessarily interrupted.

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

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

14. Upon completion of the alteration of the crossing, Bessemer & 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.

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 roadway through the crossing area.

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 remaining 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