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July 18, 2017

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

**RE: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation;
Docket No. C-2016-2580526**

**PPL Electric Utilities Corporation Supplement No. 213 to Tariff Electric Pa. P.U.C.
No. 201 for Rate Schedule LPEP; Docket No. R-2016-2569975**

Dear Secretary Chiavetta:

Please be advised that National Railroad Passenger Corporation ("AMTRAK") will not be filing a Main Brief in the above-captioned proceeding. In lieu of filing a Main Brief, AMTRAK submits the enclosed Notice of Reservation Pursuant to *England v. Louisiana State Board of Medical Examiners*, 375 U.S. 411 (1964), *et al.* in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Thank you.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Alessandra L. Hylander

Counsel to National Railroad Passenger Corporation

Enclosure

c: Administrative Law Judge David Salapa (via E-mail and First-Class Mail)
Honorable Jeffrey L. Schmehl (via First-Class Mail)
Certificate of Service

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NATIONAL RAILROAD PASSENGER CORPORATION,	:	
	:	Docket No. C-2016-2580526
COMPLAINANT	:	
v.	:	
PPL ELECTRIC UTILITIES CORPORATION,	:	
	:	Docket No. R-2016-2569975
RESPONDENT	:	
PPL ELECTRIC UTILITIES CORPORATION SUPPLEMENT NO. 213 TO TARIFF ELECTRIC PA PUC NO. 201 FOR RATE SCHEDULE LPEP	:	

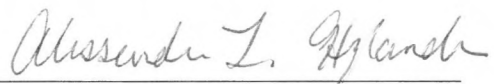
NOTICE OF RESERVATION PURSUANT TO *ENGLAND V. LOUISIANA STATE BOARD OF MEDICAL EXAMINERS*, 375 U.S. 411 (1964), *ET AL.*

In lieu of filing a Main Brief, National Railroad Passenger Corporation ("AMTRAK") submits this Notice that, as of May 11, 2017, when it filed its Motion to Dismiss, AMTRAK's participation in this proceeding is for the limited purpose of pursuing its Motion to Dismiss and preserving its federal court claims in *National Railroad Passenger Service Corporation v. 4.0446 Acres More or Less of Land and Fixtures & PPL Electric Utilities Corporation*, Civil Action-Law No. 17-CV-1752, which is pending before United States District Court for the Eastern District of Pennsylvania. AMTRAK expressly reserves its statutory right to adjudicate in federal court any issues related to the condemnation, the transfer of possession, and the disposition of outstanding charges related to the Conestoga Substation. The precedent supporting this reservation include *England v. Louisiana State Board of Medical Examiners*, 375 U.S. 411, decided by the United States Supreme Court in 1964; *Instructional Systems, Inc. v. Computer Curriculum Corp.*, 35 F.3d 813, decided by the Third Circuit in 1994; and *Bradley v. Pittsburgh Board of Education*, 913 F.2d 1064, decided by the Third Circuit in 1990.

Pursuant to 52 Pa. Code §§ 1.31(b) and 1.33, AMTRAK incorporates, by reference, the "Petition of National Railroad Passenger Corporation for Interlocutory Review of Material Questions" and the "Brief of the National Railroad Passenger Corporation in Support of its Petition for Interlocutory Review of Material Questions," which were filed with the Pennsylvania Public Utility Commission at Docket Nos. R-2016-2569975 and C-2016-2580526 on June 13, 2017, and June 23, 2017, respectively.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

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Dated: July 18, 2017

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Dated this 18th day of July 2017, at Harrisburg, Pennsylvania.