

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of CSX
Transportation, Inc. to Close to Vehicular
Traffic the Bloominggrove-New Winchester
Road (Crawford-Morrow County Line Road)
Crossing in Washington Township, Morrow
County, Ohio

Case No. 14-0379-RR-UNC

* * *

MOTION FOR PREHEARING CONFERENCE

Now comes CSXT Transportation, Inc. ("CSXT"), pursuant to Rule 4901-1-26(A)(1-7) of the Ohio Administrative Code and moves that the Commission and the Attorney Examiner schedule a prehearing conference.

A pre-hearing conference will allow all interested parties to mutually agree on a time and date on which to hold the hearing on the Petition to Close to Vehicular Traffic the Bloominggrove-New Winchester Road (Crawford-Morrow County Line Road) Grade Crossing. Additionally, CSXT has completed most, if not all, necessary discovery.. Among those deposed were the County Sheriffs, Fire Chiefs, EMS personnel, and school transportation personnel. Proper notice was provided to all parties of record for each deposition. CSXT respectfully requests a ruling as to whether it may read pertinent portions of this sworn testimony into evidence in lieu of live testimony so as to avoid unnecessary inconvenience to the witnesses, all of whom work and/or reside in Crawford and Morrow Counties.

Wherefore, CSXT respectfully requests that the Attorney Examiner schedule a prehearing conference to resolve any remaining discovery issues, identify witnesses and exhibits to be presented in the proceeding, to discuss the admissibility of deposition transcripts in lieu of live testimony, and to clarify and/or resolve any other issues involved

in the proceeding in advance of the hearing on the subject Petition. With regard to scheduling, because of the upcoming Thanksgiving Holiday, as well as the Holidays in the second half of December, CSXT respectfully suggests that a pre-hearing conference be scheduled for the month of December, and the Hearing for the week of January 19.¹

Respectfully submitted,

/s/ Eric D. Thompson
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¹ Counsel for Petitioner has other matters previously scheduled during the other weeks of January which would conflict if this matter were set during those weeks. Petitioner would anticipate this matter can be concluded in at most one day, particularly if there is an agreement permitting pertinent portions of sworn deposition testimony to be read into the record. If the above referenced week is not feasible for the Hearing Examiner or other parties, if any, who plan to participate, CSXT and counsel would also be available during the first two weeks of February.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing *Motion for Prehearing Conference* was served by mailing same, regular U.S. mail, postage prepaid, this 17th day of November, 2014 upon the following:

Charles S. Howland
Morrow County Prosecutor
60 E. High Street
Mount Gilead, Ohio 43338

Matthew R. Dietrich
Executive Director
Ohio Rail Development Commission
1980 West Broad Street
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Sandra Coffey
Public Utilities Commission of Ohio
180 East Broad Street
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Crawford County Commissioners
Donald E. Long, Auditor
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Bucyrus, Ohio 44820

Morrow County Commissioners
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Mt. Gilead, Ohio 43338

Morrow County Engineer
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_____/s/ Eric D. Thompson

Eric D. Thompson

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Summary: Motion Motion for Prehearing Conference electronically filed by Eric D Thompson on behalf of CSX Transportation, Inc.