

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Arthur C.)
Risley,)
)
Complainant,)
)
v.)
)
CSX Transportation, Inc.,)
)
Respondent.)

Case No. 09-1903-RR-CSS

ENTRY

The attorney examiner finds:

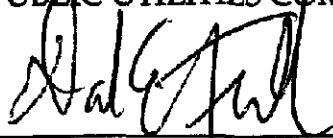
- (1) On December 3, 2009, the complainant, Mr. Arthur C. Risley, filed a complaint in this case against the respondent, CSX Transportation, Inc. (CSX or "the railroad"). The complaint alleges that CSX has unlawfully removed and refused to replace a private crossing that had existed on the complainant's property in Ashtabula County, Ohio pursuant to an agreement that dates back more than 150 years. According to the complainant, the crossing was the subject matter of a property easement duly recorded in 1852 and, until CSX removed it, the crossing had been maintained in perpetuity by each railroad using the easement.
- (2) On December 17, 2009, the respondent, through counsel, filed an answer to the complaint. The answer generally either denies the material allegations or indicates that the respondent is without sufficient information to either affirm or deny those allegations. It also sets forth the respondent's claimed affirmative defenses.
- (3) This case should be set for a prehearing settlement conference on January 12, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Room 1247, Columbus, Ohio 43215-3793. The purpose of the settlement conference is to determine whether this matter can be resolved informally.

It is, therefore,

ORDERED, That a prehearing settlement conference be held in accordance with Finding (3). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin
Attorney Examiner

geg

DEF/dah

Entered in the Journal

DEC 28 2003



Renee J. Jenkins
Secretary