

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of )  
CSX Transportation, Inc. to Close to )  
Vehicular Traffic the Bloomingrove/New ) Case No. 14-379-RR-UNC  
Winchester Road Grade Crossing (DOT )  
No. 262042J), Located in Washington )  
Township, Morrow County, Ohio. )

ENTRY

The attorney examiner finds:

- (1) On March 7, 2014, CSX Transportation, Inc. (CSX) filed a petition to close the Bloomingrove/New Winchester Road (Bloomingrove-NW Road Crossing) grade crossing (DOT No. 262042J), located in Washington Township, Morrow County, Ohio.
- (2) On April 30, 2014, and May 2, 2014, Morrow County and Crawford County, respectively, filed comments in opposition to CSX's petition.
- (3) On July 15, 2014, local public hearings were held in Morrow County and Crawford County.
- (4) Thereafter, a prehearing teleconference was conducted on January 30, 2015. At the prehearing teleconference, the parties discussed their availability for hearing and the proper use of deposition testimony at hearing.
- (5) Accordingly, the attorney examiner finds that this matter should be set for hearing on March 3, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room C, Columbus, Ohio 43215-3793.
- (6) Further, the attorney examiner finds that pursuant to Ohio Adm.Code 4901-1-11, motions to intervene in this proceeding shall be filed not later than February 9, 2015. The attorney examiner notes that the counties of Morrow County and Crawford County shall file motions to intervene if they intend to participate in the evidentiary hearing.

- (7) Pursuant to Ohio Adm.Code 4901-1-21(N), depositions may be used in Commission hearings to the same extent permitted in civil actions in courts of record. Further, any deposition testimony to be used as evidence at hearing must be filed with the Commission at least three days prior to commencement of the hearing. The attorney examiner finds that parties may submit deposition testimony as evidence in this proceeding, without the presence of the witness, so long as no party objects to the admission of the deposition testimony. Any party intending to admit deposition testimony at hearing shall file it in the docket not later than three days prior to hearing and include a cover page indicating that the parties to this proceeding do not object to its admission.
- (8) Additionally, any party intending to present direct, expert testimony shall comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (9) Therefore, the following procedural schedule shall be observed:
  - (a) February 9, 2015 – Deadline for filing motions to intervene;
  - (b) February 24, 2015 – Deadline for filing direct, expert testimony;
  - (c) February 27, 2015 – Deadline for filing deposition testimony for admission;
  - (d) March 3, 2015 – Hearing will commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room C, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That this matter be scheduled for hearing on March 3, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room C, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That the parties comply with the directives set forth in this Entry. It is, further,

ORDERED, That a copy of this Entry be served upon the Ohio Rail Development Commission, CSX and its counsel, the Morrow County Prosecuting Attorney, the Board of the Morrow County Commissioners, the Crawford County Prosecuting Attorney, the Board of the Crawford County Commissioners, and any interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Bryce McKenney

By: Bryce A. McKenney  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 14-0379-RR-UNC**

Summary: Attorney Examiner Entry scheduling this matter for hearing on 03/03/2015 at 10:00 a.m. at the offices of the Commission, 180 E. Broad St., 11th Flr., Hearing Rm. C, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio