

ORIGINAL



0000003910

BEFORE THE ARIZONA CORPORATION COMMISSION

25H

RECEIVED

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

2004 JUN 22 P 3: 22

JUN 22 2004

AZ CORP COMMISSION
DOCUMENT CONTROL

| | |
|-------------|-----|
| DOCKETED BY | CAR |
|-------------|-----|

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE ARIZONA
EASTERN RAILWAY COMPANY AT STATE
ROUTE 188, CLAYPOOL-JAKES CORNER
HIGHWAY, IN GILA COUNTY, ARIZONA,
AAR/DOT NO. 748-716X.

DOCKET NO. RR-02634A-04-0433

PROCEDURAL ORDER

BY THE COMMISSION:

On June 9, 2004, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Arizona Eastern Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's existing track at State Route 188, Claypool-Jakes Corner Highway, Gila County, Arizona at AAR/DOT NO. 748-716X.

IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the hearing on the application shall be held on July 15, 2004, at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, the Arizona Department of Transportation shall provide the Railroad and any other municipality or interested party that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

1 **IT IS FURTHER ORDERED** that the Arizona Department of Transportation shall file
2 with the Commission's Docket Control an original and thirteen (13) copies of certification of
3 proof of compliance with this Procedural Order concurrently with the mailing of notice
4 ordered herein.

5 DATED this 22nd day of June, 2004.

6
7
8 
9 MARC E. STERN
 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 22 day of June, 2004 to:

12 Elaine Mercado
13 Utility & Railroad Engineering Section
 205 S. 17th Avenue, Mail Drop 618E
 Phoenix, AZ 85007

14 David Gibson
15 ADOT Traffic Records Section
16 206 S. 17th Avenue, MD-064R
 Phoenix, AZ 85007

17 Donald Tolle
18 Arizona Eastern Railway Company
 P.O. Box Y
 Claypool, AZ 85532-1008

19 Christopher Kempley, Chief Counsel
20 Legal Division
21 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, Arizona 85007

22 Ernest Johnson, Director
23 Utilities Division
24 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, Arizona 85007

25 ARIZONA REPORTING SERVICE, INC.
26 2627 North Third Street, Ste. Three
 Phoenix, AZ 85004-1103

27 By: 
28 Molly Johnson
 Secretary to Marc E. Stern