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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2005 MAY 18 P 2:29

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED

MAY 18 2005

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
THE CITY OF SURPRISE TO UPGRADE AN
EXISTING CROSSING OF THE BURLINGTON
NORTHERN AND SANTA FE RAILWAY AT
BELL ROAD AND GRAND AVENUE, IN THE
CITY OF SURPRISE, MARICOPA COUNTY,
ARIZONA, AT AAR/DOT NO. 025-392-A.

DOCKET NO. RR-02635B-05-0283

PROCEDURAL ORDER

BY THE COMMISSION:

On April 18, 2005, the City of Surprise ("City") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Burlington Northern and Santa Fe Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks at Bell Road and Northern Avenue in Surprise, Arizona, at AAR/DOT No. 025-392-A.

On April 27, 2005, by Procedural Order, a hearing was scheduled for May 18, 2005. The City was ordered to provide public notice to the Railroad and any other municipality or interested party with a copy of the application and the Procedural Order by Certified Mail.

On May 18, 2005, the hearing was convened before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. At the outset of the proceeding, counsel for the Commission's Railroad Safety Section indicated that the City had not provided public notice as ordered and requested that the proceeding be continued to a later date so that public notice could be provided by the City.

Accordingly, the hearing should be continued and the City should give public notice pursuant to the terms of this Procedural Order.

IT IS THEREFORE ORDERED that the request of the City 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.

1 IT IS FURTHER ORDERED that the **hearing** on the application shall be continued from
2 May 18, 2005, to **June 8, 2005 at 10:45 a.m.**, or as soon thereafter as is practical, at the
3 Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

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

8 IT IS FURTHER ORDERED that the **CITY OF SURPRISE SHALL FILE WITH THE**
9 **COMMISSION'S DOCKET CONTROL AN ORIGINAL AND THIRTEEN (13) COPIES OF**
10 **PROOF OF COMPLIANCE** with this Procedural Order concurrently with the mailing of notice
11 ordered herein.

12 DATED this 18TH day of May, 2005


13
14 **MARC E. STERN**
15 **ADMINISTRATIVE LAW JUDGE**

15 Copies of the foregoing mailed/delivered
16 this 18 day of May, 2005 to:

17 John Syers
18 Railroad Engineering Coordinator
19 Arizona Department of Transportation
20 205 S. 17th Avenue, Mail Drop 618E
21 Phoenix, AZ 85007

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

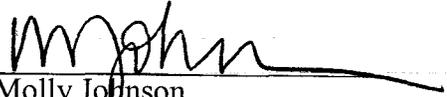
20 Colleen Deines, Manager
21 Public Projects
22 BNSF
23 740 East Carnegie Drive
24 San Bernardino, CA 92408

Don Thompson
Railroad Safety Section
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

23 David Gibson
24 ADOT
25 Traffic Records Section
26 206 S. 17th Avenue, MD-064R
27 Phoenix, AZ 85007

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

26 Nicholas E. Mascia
27 Traffic Engineer
28 12425 West Bell Road, Ste. D-100
Surprise, AZ 85374

By: 
Molly Johnson
Secretary to Marc Stern