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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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JEFF HATCH-MILLER, Chairman
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2005 SEP -1 P 1:35

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE ARIZONA
DEPARTMENT OF TRANSPORTATION TO
UPGRADE AN EXISTING CROSSING OF THE
ARIZONA EASTERN RAILWAY COMPANY AT
APACHE GOLD CASINO, IN GILA COUNTY,
ARIZONA, AAR/DOT NO. 742-342-Y.

DOCKET NO. RR-02634A-05-0598

PROCEDURAL ORDER

BY THE COMMISSION:

On August 19, 2005, 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 the Apache Gold Casino, Gila County, Arizona at AAR/DOT No. 742-342-Y.

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 **October 5, 2005 at 2:00 p.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.

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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 15th day of September, 2005

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9 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 1 day of September, 2005 to:

12 John Syers
13 Utility & Railroad Engineering Section
14 1655 West Jackson Street, MD 215E
15 Phoenix, AZ 85007

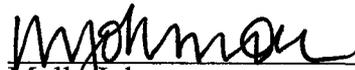
Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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

Brian Lehman
Railroad Safety Section
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

17 Johnny Holguin
18 Superintendent of Transportation
19 Arizona Eastern Railway
P.O. Box 2200
Claypool, AZ. 85532

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

20
21 By: 
22 Molly Johnson
23 Secretary to Marc E. Stern
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