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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONER

Arizona Corporation Commission  
**DOCKETED**

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AZ CORP COMMISSION  
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IN THE MATTER OF THE APPLICATION OF  
THE CITY OF PHOENIX TO UPGRADE A  
CROSSING OF THE BURLINGTON NORTHERN  
AND SANTA FE RAILWAY COMPANY, AT 35<sup>TH</sup>  
AVENUE, PHOENIX, ARIZONA, M.P. 188.23.

DOCKET NO. RR-02635B-01-0374

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On May 2, 2001, the City of Phoenix ("City") submitted to the Arizona Corporation Commission ("Commission") a request for approval to upgrade a crossing of the Burlington Northern and Santa Fe Railway Company ("Railway") track at the southeast side of 35<sup>th</sup> Avenue, Phoenix, Arizona, at mile post 188.23. The City requested approval to construct on behalf of the Railway.

IT IS THEREFORE ORDERED that the request of the City of Phoenix shall be considered an application for the widening of the crossing surface and for the relocation of automatic flashing light warning devices pursuant to A.R.S. § 40-337, et seq.

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

IT IS FURTHER ORDERED that the hearing on the application shall be held on May 24, 2001, 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 City of Phoenix shall provide the Railway 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 City of Phoenix shall file with the Commission's  
2 Docket Control proof of compliance with this Procedural Order concurrently with the mailing of  
3 notice ordered herein.

4 DATED this 8<sup>th</sup> day of May, 2001.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered  
10 this 7<sup>th</sup> day of May, 2001 to:

11 Laura Fritschi  
12 Project Manager/Street Transportation Department  
13 200 West Washington Street, Fifth Floor  
14 Phoenix, Arizona 85003

14 Larry J. Delaney  
15 Project Engineer  
16 BNSF Railway Company  
17 1624 First Street NW  
18 Albuquerque, NM 87102-1538

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

20 Deborah Scott, Director  
21 Utilities Division  
22 ARIZONA CORPORATION COMMISSION  
23 1200 West Washington Street  
24 Phoenix, Arizona 85007

23 ARIZONA REPORTING SERVICE, INC.  
24 2627 N. Third Street, Suite Three  
25 Phoenix, Arizona 85004-1104

25 By:   
26 Molly Johnson  
27 Secretary to Marc E. Stern  
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