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Arizona Corporation Commission
BEFORE THE ARIZONA CORPORATION COMMISSION
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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

MAY 24 2001

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AZ CORP COMMISSION
DOCUMENT CONTROL

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 35TH
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 35th Avenue, Phoenix, Arizona, at mile post 188.23. The City requested approval to construct on behalf of the Railway.

On May 8, 2001, the Commission, by Procedural Order, scheduled a hearing on May 24, 2001, on the City's request.

At the outset of the proceeding, the witness for the Commission's Utilities Division indicated that the City had failed to provide certification of notice to the Railway and any other interested party of the proceeding by providing them with a copy of the application and the Commission's Procedural Order.

Accordingly, the proceeding should be continued and rescheduled for hearing with proper notice to be provided by the City.

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 continued from May

1 24, 2001 and held on June 12, 2001, at 9:30 a.m., or as soon thereafter as is practical, at the
2 Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

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

7 IT IS FURTHER ORDERED that the City of Phoenix shall file with the Commission's
8 Docket Control proof of compliance with this Procedural Order concurrently with the mailing of
9 notice ordered herein.

10 DATED this 24TH day of May, 2001.

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13 
14 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this, 24TH day of May, 2001 to:

17 Laura Fritschi
18 Project Manager/Street Transportation Department
19 200 West Washington Street, Fifth Floor
Phoenix, Arizona 85003

20 Larry J. Delaney
21 Project Engineer
22 BNSF Railway Company
1624 First Street NW
Albuquerque, NM 87102-1538

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

25 Deborah Scott, Director
26 Utilities Division
ARIZONA CORPORATION COMMISSION
27 1200 West Washington Street
Phoenix, Arizona 85007
28

1 ARIZONA REPORTING SERVICE, INC.
2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1104

4 By:


5 Molly Johnson
6 Secretary to Marc E. Stern

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