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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE APPLICATION OF
MARICOPA COUNTY, ARIZONA TO UPGRADE
A CROSSING OF THE UNION PACIFIC
RAILROAD AT COTTON LANE IN MARICOPA
COUNTY, ARIZONA, AAR/DOT NO. 741-781-E.

DOCKET NO. RR-03639A-07-0160

AMENDED
PROCEDURAL ORDER

BY THE COMMISSION:

On March 20, 2007, Maricopa County ("County") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Cotton Lane in Maricopa County, Arizona at AAR/DOT No. 741-781-E.

On April 3, 2007, by Procedural Order, a hearing was scheduled on April 26, 2007.

On April 26, 2007, a full public hearing was convened before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. Staff appeared with counsel. Because the proceeding required additional preparation, the proceeding was continued.

On May 15, 2007, Staff filed a request to reschedule the hearing and indicated that Staff is planning to file a written Staff Report by May 25, 2007.

Accordingly, the proceeding should be rescheduled for hearing, and pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of Maricopa County 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 **June 27,**

1 2007, at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West
2 Washington Street, Phoenix, Arizona.

3 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
4 Order, **MARICOPA COUNTY SHALL PROVIDE THE RAILROAD AND ANY**
5 **MUNICIPALITY OR INTERESTED PARTY** that may be affected by the application with a copy
6 of the application and this Procedural Order by certified mail.

7 IT IS FURTHER ORDERED that Utilities Division, Railroad Safety Section ("Staff") shall
8 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of
9 them with Docket Control on or before 4:00 p.m. on **May 25, 2007**.

10 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
11 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **June 4,**
12 **2007**.

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
14 105, except that all motions to intervene must be filed on or before **June 19, 2007**.

15 IT IS FURTHER ORDERED that **Maricopa County** shall provide public notice of the
16 hearing in this matter, in the following form and style:

17 **IN THE MATTER OF THE APPLICATION OF MARICOPA COUNTY, ARIZONA TO**
18 **UPGRADE A CROSSING OF THE UNION PACIFIC RAILROAD AT COTTON LANE**
19 **IN MARICOPA COUNTY, ARIZONA, AAR/DOT NO. 741-781-E.**
20 **DOCKET NO. RR-03639A-07-0160**

21 On March 20, 2007, Maricopa County ("County") filed with the Arizona Corporation
22 Commission ("Commission") an application for approval for the Union Pacific
23 Railroad ("Railroad") to upgrade an existing crossing at the Railroad's tracks at
24 Cotton Lane, in Maricopa County, Arizona, at AAR/DOT No. 741-781-E.

25 The application is available for inspection during regular business hours at the offices
26 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona,
27 and on the internet via the Commission website (www.azcc.gov) using the e-docket
28 function.

29 The Commission will hold a hearing on this matter commencing on **June 27, 2007,**
30 **at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street, Phoenix,
31 Arizona. Public comments will be taken on the first day of the hearing.

32 The law provides for an open public hearing at which, under appropriate
33 circumstances, interested parties may intervene. Intervention shall be permitted to
34 any person entitled by law to intervene and having a direct and substantial interest in
35 the matter. Persons desiring to intervene must file a written motion to intervene with

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the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Applicant, a shareholder of Applicant, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before June 19, 2007. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact the applicant at [insert telephone number]. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Maricopa County shall cause the above notice to be published at least once in a newspaper of general circulation in the city/county where the crossing is located, with **publication to be completed no later than June 5, 2007**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon the mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive the notice.

IT IS FURTHER ORDERED that the **MARICOPA COUNTY SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been completed.

...

1 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
3 ruling at hearing.

4 DATED this 21st day of May, 2007.

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7 
8 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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11 Copies of the foregoing mailed/delivered
12 this 21st day of May, 2007 to:

13 James H. Smith
14 UNION PACIFIC RAILROAD COMPANY
10031 Foothills Boulevard
Roseville, CA 95747

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

15 John Syers
16 Railroad Engineering Coordinator
ARIZONA DEPARTMENT OF
17 TRANSPORTATION
205 South 17th Avenue, M/D 618E
18 Phoenix, AZ 85007

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

19 David Gibson
20 Traffic Records Section
ARIZONA DEPARTMENT OF
TRANSPORTATION
21 206 South 17th Avenue, M/D 064R
Phoenix, AZ 85007

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

22 Ms. Patty Pauly
23 MARICOPA COUNTY DEPARTMENT OF
TRANSPORTATION
24 2901 West Durango Street
Phoenix, AZ 85009

By: 
Debra Broyles
Secretary to Marc Stern