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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

2 COMMISSIONERS

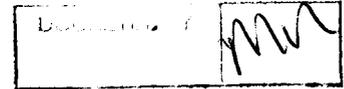
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LOCKETED

- 3 MIKE GLEASON, Chairman
- 4 WILLIAM A. MUNDELL
- 5 JEFF HATCH-MILLER
- 6 KRISTIN K. MAYES
- 7 GARY PIERCE

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

OCT -7 2008



8 IN THE MATTER OF THE APPLICATION  
 9 OF THE ARIZONA DEPARTMENT OF  
 10 TRANSPORTATION TO UPGRADE A  
 11 CROSSING OF THE UNION PACIFIC  
 12 RAILROAD AT RITTENHOUSE ROAD IN  
 13 QUEEN CREEK, ARIZONA, AAR/DOT  
 14 NO. 741-840-E.

DOCKET NO. RR-03639A-08-0505

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On September 29, 2008, the Arizona Department of Transportation ("ADOT") filed with the  
 13 Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific  
 14 Railroad ("Railroad") to upgrade an existing crossing at Rittenhouse Road in Queen Creek, Arizona  
 15 at AAR/DOT No. 741-840-E.

16 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern  
 17 the preparation and conduct of this proceeding.

18 IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation  
 19 shall be considered an application for the Railroad to upgrade an existing crossing pursuant to  
 20 A.R.S. § 40-337, et seq.

21 IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this  
 22 proceeding.

23 IT IS FURTHER ORDERED that the hearing on the application shall be held on  
 24 **December 18, 2008, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices,  
 25 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona.

26 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural  
 27 Order, the **ARIZONA DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE**  
 28 **RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by

1 the application with a copy of the application and this Procedural Order by certified mail.

2 IT IS FURTHER ORDERED that the Commission's Railroad Safety Section ("Staff") shall  
3 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of  
4 them with Docket Control on or before 4:00 p.m. on **November 19, 2008**.

5 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
6 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on  
7 **December 1, 2008**.

8 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
9 105, except that all motions to intervene must be filed on or before **November 14, 2008**.

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

12 **IN THE MATTER OF THE APPLICATION OF THE ARIZONA**  
13 **DEPARTMENT OF TRANSPORTATION TO UPGRADE A CROSSING**  
14 **OF THE UNION PACIFIC RAILROAD AT RITTENHOUSE ROAD**  
**IN QUEEN CREEK, ARIZONA, AAR/DOT NO. 741-840-E.**  
**(DOCKET NO. 03639A-08-0505)**

15 On September 29, 2008, the Arizona Department of Transportation ("ADOT") filed  
16 with the Arizona Corporation Commission ("Commission") an application for  
17 approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing  
at Rittenhouse Road in Queen Creek, Arizona at AAR/DOT No. 741-840-E.

18 The application is available for inspection during regular business hours at the  
19 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,  
Arizona, and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the  
e-docket function.

20 The Commission will hold a hearing on this matter commencing on  
21 **December 18, 2008, at 9:30 a.m.**, at the Commission's offices, 1200 West  
22 Washington Street, Phoenix, Arizona. Public comments will be taken on the first  
day of the hearing.

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

- 26 1. The name, address, and telephone number of the proposed intervener and of  
27 any party upon whom service of documents is to be made if different than the  
28 intervener.

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2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner, a crossing user, 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 November 14, 2008. 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 602-542-4251 or 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) 42-3931, 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 the **Arizona Department of Transportation** 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 October 31, 2008.**

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 **ARIZONA DEPARTMENT OF TRANSPORTATION 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.

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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 7<sup>th</sup> day of October, 2008.

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MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

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11 Copies of the foregoing mailed/delivered  
this 7<sup>th</sup> day of October, 2008 to:

12 Aziz Aman, Manager of Special Projects  
13 UNION PACIFIC RAILROAD COMPANY  
14 2073 East Jade Drive  
Chandler, AZ 85286-4898

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

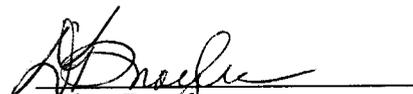
15 John Syers, Railroad Engineering Coordinator  
16 Utility & Railroad Engineering Section  
ARIZONA DEPARTMENT OF  
TRANSPORTATION  
17 1655 W. Jackson Street, Room 123, MD 215P  
Phoenix, Arizona 85007-3217

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Street, Suite 502  
Phoenix, Arizona 85004-1481

18 Dick Schaner  
19 Special Transportation Project Manager  
20 TOWN OF QUEEN CREEK  
22350 South Ellsworth Road  
21 Queen Creek, Arizona 85242-9311

22 Tim Carr  
23 ALLIANCE LUMBER  
24 24610 East Rittenhouse Road  
Queen Creek, Arizona 85242-9450

25 Janice Alward, Chief Counsel Legal Division  
26 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

27 By:   
Debra Broyles  
28 Secretary to Marc Stern