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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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2009 MAR 26 A 9:57

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AZ CORP COMMISSION
DOCKET CONTROL

MAR 25 2009

ARIZONA CORP. COMM
400 W CONGRESS STE 218 TUCSON AZ 85701

IN THE MATTER OF THE APPLICATION
OF THE TOWN OF SAHUARITA TO
UPGRADE AN EXISTING CROSSING OF
THE UNION PACIFIC RAILROAD AT LA
CAÑADA DRIVE IN THE TOWN OF
SAHUARITA, PIMA COUNTY, ARIZONA,
AT DOT CROSSING NO. 742-159-T.

DOCKET NO. RR-03639A-08-0618

NOTICE OF FILING

Arizona Corporation Commission

DOCKETED

MAR 26 2009

DOCKETED BY

On December 29, 2008, the Town of Sahuarita, Arizona (“Town”) filed an application for authorization to modify an existing railroad crossing at La Cañada Drive. On March 12, 2009, Administrative Law Judge Sarah Harpring issued a Procedural Order directing, *inter alia*, that by March 19, 2009, the town file (1) certification that notice had been provided by the Town as required by the initial Procedural Order, (2) a document identifying the attorney who will be representing the Town at the hearing, and (3) indicate whether it believes that it has received adequate notice of the hearing and the Staff Report and whether it is ready to proceed to hearing on March 30, 2009.

On March 19, 2009, the Town, through Joel T. Harris, P.E., filed documents with the Arizona Corporation Commission meeting these requirements, as reflected on Exhibit “A” to this Notice of Filing. The Exhibit does in fact confirm that the Town has provided the notice as required by the initial Procedural Order, that the undersigned attorney will provide representation for the town, and that the Town has had adequate time to prepare for the hearing on March 30, 2009.

1 Although the document reflected as Exhibit "A" was filed on March 19, the
2 undersigned was unaware that a Notice of Filing had not been prepared and distributed.
3 Immediately upon becoming aware of this fact, the undersigned prepared and distributed this
4 Notice of Filing.

5 RESPECTFULLY SUBMITTED this 25th day of March, 2009



Daniel J. Hochuli
Town Attorney
Town of Sahuarita, Arizona
375 W. Sahuarita Center Way
Sahuarita, Arizona 85629
(520) 822-8830

10 Original and fifteen (15) copies
11 of the foregoing filed this
12 25th day of March, 2009, with:

12 Docket Control
13 Arizona Corporation Commission
14 400 W. Congress, Suite 218
15 Tucson, Arizona 85701

16 A copy of the foregoing faxed
17 and mailed this 25th day of March,
18 2009, to:

19 Charles H. Hains, Staff Counsel
20 Legal Division
21 Arizona Corporation Commission
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 Nancy Scott, Staff Counsel
25 Legal Division
26 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

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

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

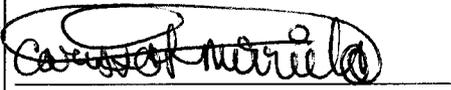
Robert Travis, PE, State Railroad Liaison
Utilities & Railroad Engineering Section
ARIZONA DEPARTMENT OF
TRANSPORTATION
205 South 17th Avenue, Mail Drop 618E
Phoenix, AZ 85007

Traffic Records Section
ARIZONA DEPARTMENT OF
TRANSPORTATION
206 South 17th Avenue, Mail Drop 064R
Phoenix, AZ 85007

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Bob Roggenthen, P.E.
Traffic Engineering Division
PIMA COUNTY DEPARTMENT OF TRANSPORTATION
1313 South Mission Road
Tucson, AZ 85713-1398

By:



Carissa L. Murrieta

EXHIBIT "A"



Town of Sahuarita

Public Works Department

March 18, 2009

Arizona Corporation Commission
Docket Control
1200 W. Washington Street
Phoenix, AZ 85007

Subject: Docket #RR-03639A-08-0618 – Precedural Order #2

A copy of the ACC Staff Report has been obtained and reviewed. The Town of Sahuarita has had adequate notice of the hearing and review of the Staff Report. We would like to proceed with the March 30, 2009 hearing date. Daniel J. Hochuli will be the attorney who will represent the Town of Sahuarita.

Per Docket #RR-03639A-08-0618, enclosed are 13 copies of the Public Notice which appeared in two different publications. One publication in the Sahuarita Sun on Wednesday, February 18, 2009 and the second publication was in the Tucson Newspapers on Thursday, February 19, 2009.

Please let me know if you have any questions.

Sincerely,

Joel T. Harris, P.E.
Civil Engineer

Enclosures

**PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE
APPLICATION OF THE TOWN OF SAHUARITA
TO UPGRADE AN EXISTING CROSSING OF THE UNION PACIFIC RAILROAD
AT LA CANADA DRIVE AND EL TORO ROAD IN THE TOWN OF SAHUARITA,
PIMA COUNTY, ARIZONA, AT DOT CROSSING NO. 742-159T.
(DOCKET NO. RR-03639A-08-0618)**

On December 29, 2008, the Town of Sahuarita ("Sahuarita") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at the Railroad's tracks at La Canada Drive at El Toro Road, in Sahuarita, Arizona, at AAR/DOT No. 742-159T.

The application is available for inspection during regular business hours at the offices of the Commission in Tucson, at 400 West Congress, Suite 218, Tucson, Arizona, in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on **March 30, 2009, at 10:00 a.m.**, at the Commission's offices, Room 222, 400 West Congress Street, Tucson, Arizona. Public Comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to 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 Sahuarita 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 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 City 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 **March 18, 2009**. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/utility/forms/index.htm>. 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 **520-399-3339**. 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 520-628-6550 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 Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail sbernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

Machinery & Tools

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Source #15K
Phone 602-697-5161

LG TILE Saw will cut
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**PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE
APPLICATION OF THE TOWN OF SAHUARITA
TO UPGRADE AN EXISTING CROSSING OF THE UNION PACIFIC RAILROAD
AT LA CANADA DRIVE AND EL TORO ROAD IN THE TOWN OF SAHUARITA,
PIMA COUNTY, ARIZONA, AT DOT CROSSING NO. 742-1597.
(DOCKET NO. RR-03639A-08-0818)**

On December 29, 2006, the Town of Sahuarita ("Sahuarita") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at the Railroad's tracks at La Canada Drive at El Toro Road, in Sahuarita, Arizona, at AAR/DOT No. 742-1597.

The application is available for inspection during regular business hours at the offices of the Commission in Tucson, at 400 West Congress, Suite 216, Tucson, Arizona, in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket link.

Commission will hold a hearing on this matter commencing on March 30, 2009, at 10:00 a.m., at the Commission's offices, Room 222, 400 West Congress Street, Tucson, Arizona. Public Comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to 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 Sahuarita 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 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 City 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. R14-3-102, except that all motions to intervene must be filed on or before March 18, 2009. If representation by counsel is required by Rule 37 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/utility/intercom.htm>. The granting of interventions, among other things, enables 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 520-335-3338. If you wish to file written comments on the application or want more information on interventions, you may write Consumer Services Section of the Commission, 1200 West Washington Street, Phoenix, Arizona or call 1-800-222-7000 or 520-828-6530 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 Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3951, Email shaylin.bernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.