

RR-02635B-09-0075



0000100520

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

ORIGINAL

4702

Investigator: Al Amezcua

Phone:

Fax:

Priority: Respond Within Five Days

Opinion No. 2009 - 80246

Date: 7/8/2009

Complaint Description: 19H Other - Pipeline/RR Safety  
08E Rate Cases Items - In Favor

First:

Last:

Complaint By: Ash

Patel

Account Name: Ash Patel @ Southwest hospitality Managemen Home: (000) 000-0000

Street:

Work:

City: Mesa

CBR:

State: AZ Zip: 85206

is: Cellular

Utility Company. Miscellaneous ACC Questions

Division: Misc.

Contact Name: Unknown

Contact Phone: (000) 000-0000

Nature of Complaint:

Burlington Northern & Santa Fe Railroad (BNSF) - RR-02635B-09-0075

From: Ash Patel [mailto:...]  
Sent: Tuesday, June 30, 2009 5:08 PM  
To: Utilities Div - Mailbox  
Subject: DOCKET NUMBER :RR-02635B-09-0075

Ash Patel  
Ex-Officio-Asian American Hotel Owners Association.  
President -Southwest Hospitality Management.

Southwest Hospitality Management.

Mesa, AZ 85206  
Office:  
Fax:  
cell:

RECEIVED  
2009 JUL 10 P 3:43  
AZ CORP COMMISSION  
DOCKET CONTROL

ARIZONA CORPORATION COMMISSION  
Public comment letters bullet points

Arizona Corporation Commission  
DOCKETED

JUL 10 2009

Reference Arizona Corporation Commission  
o Docket # RR-02635B-09-005, city of Flagstaff Quiet Zone application  
o Link to public comment form (Cut and paste the link into your web address) -  
www.cc.state.az.us/divisions/utilities/forms/public\_comment.pdf

DOCKETED BY [Signature]

# ARIZONA CORPORATION COMMISSION

## UTILITY COMPLAINT FORM

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### Train Noise

- Negative impacts, distraction to pollution
- Visitor tourism impact
- Economic impact
- Train horn frequency and duration increased due to:
  - More trains
  - New FRA 2004 rules

### Safety

- Used Federal Railroad Administration diagnostic team
- Diagnostic team submitted safety measures that City applied
- City working with BNSF to develop a safety program

### Partnerships

- Diagnostic team ACC, BNSF, City, Gannett Fleming and Railroad controls
- Business alliances

### History

- 2004 hire consulting firm, Gannett Fleming, to develop the initial feasibility study.
- 2005 Following Federal Railroad Administration published final rules
- Public way-side horn demonstrations in 2006 and 2007
- The final report of findings by the diagnostic team was issued in 2007
- Council sessions dedicated to Quiet Zone
- City issued required Federal Railway Administration, Notice of intent March 2008
- February 2009, the City awarded a construction contract for installation of the safety measures.
- City Work substantially completed in April 2009 for City owned equipment

Arizona Corporation Commission  
Public Comment Form

### Step 1

This form should be used for public comments pertaining to a specific pending case only Please be sure to reference the appropriate docket number so your comments are filed in the docket promptly. Please use the Consumers Services Assistance Form for complaints, inquiries or general inquiries.

### Step 2

YOUR NAME Ashwin Patel                      DATE 06/30/09  
ADDRESS, CITY, STATE AND ZIP

YOUR PHONE NUMBER

DOCKET YOU WISH TO COMMENT ON:

City of Flagstaff Quiet Zone application DOCKET NUMBER RR-02635B-09-0075

CASE OR UTILITY NAME YOUR POSITION ON THE DOCKET

PRO (X) CON ( ) OTHER ( )

YOUR E-MAIL ADDRESS

### Step 3

ENTER YOUR COMMENTS HERE

I have been a resident and business owner of as many as 8 hotels in Flagstaff for 18 years. Currently I own 2. I live almost two miles away from the railroad track. During the years of being in business in Flagstaff the

**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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number

one complaint I have had from my customers is that the train noise really messed up their rest and that they did not have a good nights sleep. Many take refunds and or discounts due to this train noise. This has cost me hundred of thousands of dollars over the last 18 years and counting over the train noise issue. I also have had to live with this noise for all these years as I had to be live close to my business. I have on many occasions been woken up in the middle of the night multiple times as the noise level from the train is not something one gets used to easily. I have not for all these years. Many that stay with us do not return as they feel they cannot afford not to sleep due to the train noise. The number of complaints over the years if had been accounted for would be mind boggling. We have the opportunity to correct this injustice at this time and I urge the ACC to help with silencing the train noise. Especially during the night hours. Say 10pm to 6am.

I am asking that the ACC take my comments as a vote form a citizen to silence the horns for the night hours if not at all times.

you need additional space for your comments, please use the continuation page below. Step 4  
This form may be completed electronically, printed and mailed to  
Arizona Corporation Commission: Consumer Services Section, 1200 W. Washington St. Phoenix. Arizona  
85007,

or  
You may e-mail it as an attachment to: mai I master(Mazacc.nov  
\*End of Complaint\*

**Utilities' Response:**

n/a  
\*End of Response\*

**Investigator's Comments and Disposition:**

July 8, 2009

RE: BURLINGTON NORTHERN & SANTA FE RAILROAD (BNSF) RR-02635B-09-0075

Dear Customer:

Your letter regarding the Burlington Northern & Santa Fe Railroad ("BNSF") rate case will be placed on file with the Docket Control Center of the Arizona Corporation Commission ("Commission") to be made part of the record. The Commission will consider your comments before a decision is rendered in the BNSF application.

The concerns raised in letters received from customers will assist the Commission in the investigation and review of the rate application.

Staff appreciates your comments and the interest taken on the proposed rate increase.

Sincerely,

Alfonso Amezcua  
Public Utilities Consumer Analyst II  
Utilities Division  
\*End of Comments\*

**Date Completed: 7/8/2009**

ARIZONA CORPORATION COMMISSION  
UTILITY COMPLAINT FORM

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Opinion No. 2009 - 80246

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**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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review of the rate application.

Staff appreciates your comments and the interest taken on the proposed rate increase.

Sincerely,

Alfonso Amezcua  
Public Utilities Consumer Analyst II  
Utilities Division  
\*End of Comments\*

**Date Completed: 7/8/2009**

**Opinion No. 2009 - 80247**

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**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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**Investigator:** Al Amezcua

**Phone:**

**Fax:**

**Priority:** Respond Within Five Days

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**Opinion No. 2009 - 80248**

**Date:** 7/8/2009

**Complaint Description:** 19H Other - Pipeline/RR Safety  
08E Rate Cases Items - In Favor

**First:**

**Last:**

**Complaint By:** Brad

Dennison

**Account Name:** Brad Dennison

**Home:** (000) 000-0000

**Street:** n/a

**Work:** (000) 000-0000

**City:** n/a

**CBR:** 00000000000000

**State:** AZ      **Zip:** 00000

**is:** Cellular

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**Utility Company:** Miscellaneous ACC Questions

**Division:** Misc.

**Contact Name:** Unknown

**Contact Phone:** (000) 000-0000

**Nature of Complaint:**

Burlington northern & Santa Fe Railroad (BNSF) - RR-02635B-09-0075

From: Brad Dennison [mailto:  
Sent: Wednesday, July 01, 2009 12:28 PM  
To: Utilities Div - Mailbox  
Subject: Flagstaff Train Noise

Please see the attached.

Thanks

Brad Dennison

Please stop the train noise it effects and we we support our city.

Train Noise

- o Negative impacts, distraction to pollution
  - o Visitor tourism impact
  - o Economic impact
  - o Train horn frequency and duration increased due to:
  - o More trains
  - o New FRA 2004 rules
- \*End of Complaint\*

**Utilities' Response:**

n/a

\*End of Response\*

**Investigator's Comments and Disposition:**

**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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July 8, 2009

RE: BURLINGTON NORTHERN & SANTA FE RAILROAD (BNSF) RR-02635B-09-0075

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Staff appreciates your comments and the interest taken on the proposed rate increase.

Sincerely,

Alfonso Amezcua  
Public Utilities Consumer Analyst II  
Utilities Division  
\*End of Comments\*

**Date Completed: 7/8/2009**

**Opinion No. 2009 - 80248**

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**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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**Investigator:** Al Amezcua

**Phone:**

**Fax:**

**Priority:** Respond Within Five Days

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**Opinion**      **No. 2009 - 80249**

**Date:** 7/8/2009

**Complaint Description:**      19H Other - Pipeline/RR Safety  
08E Rate Cases Items - In Favor

**First:**

**Last:**

**Complaint By:**

**Lisa**

**McCulloch**

**Account Name:**

Lisa McCulloch

**Home:** (000) 000-0000

**Street:**

**Work:**

**City:**

Flagstaff

**CBR:** 00000000000000

**State:**

AZ      **Zip:** 86001

**is:** Cellular

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**Utility Company:**      **Miscellaneous ACC Questions**

**Division:**

Misc.

**Contact Name:**

Unknown

**Contact Phone:** (000) 000-0000

**Nature of Complaint:**

Burlington northern & Santa Fe Railroad (BNSF) - RR-02635B-09-0075

From: Lisa McCulloch [mailto:  
Sent: Wednesday, July 01, 2009 2:53 PM  
To: Utilities Div - Mailbox  
Subject: docket #RR-20635B-09-005 (0075?)

I was a bit surprised that the commission, as reported in the Arizona Daily Sun, had chosen to excoriate the City of Flagstaff for somehow failing to properly notify them of our progress in implementing Quiet Zones within our community. I believe that if there was any "failure" to notify the commission, then it should squarely rest on the shoulders of BNSF administrators who have been aware of this process for years. Where has the commission administration been for the last ten years that Flagstaff has been pursuing such an outcome? I also find it a bit ironic that the commission cares that much about such an issue since the blowing of a train horn is not even a REQUIREMENT of the commission for meeting your own safety standards (Secretary of State, Arizona Administrative Codes, R14-5-104, B Warning Signals, 1,2,3,4,5,6,7,8). The blowing of train horns is a federal regulation or the policy of BNSF. Please allow Flagstaff to proceed without penalty, to improve the quality of life for our citizens.

I must also say that the process of sending an email with an attachment has been almost impossible. There was no way I could find that would allow me to make the "public comment form" an attachment. I therefore had to scan the public comment form as a photo so I hope you're able to open it. Just give it a minute to open please. If not, I hope that my written comments above will be allowed though they are not on the official public comment form.-John McCulloch

\*End of Complaint\*

**Utilities' Response:**

**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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**Investigator's Comments and Disposition:**

July 8, 2009

RE: BURLINGTON NORTHERN & SANTA FE RAILROAD (BNSF) RR-02635B-09-0075

Dear Customer:

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The concerns raised in letters received from customers will assist the Commission in the investigation and review of the rate application.

Staff appreciates your comments and the interest taken on the proposed rate increase.

Sincerely,

Alfonso Amezcua  
Public Utilities Consumer Analyst II  
Utilities Division  
\*End of Comments\*

**Date Completed: 7/8/2009**

**Opinion No. 2009 - 80249**

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**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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**Investigator:** Al Amezcua

**Phone:**

**Fax:**

**Priority:** Respond Within Five Days

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**Opinion No. 2009 - 80250**

**Date:** 7/8/2009

**Complaint Description:** 19H Other - Pipeline/RR Safety  
08E Rate Cases Items - In Favor

**First:**

**Last:**

**Complaint By:** Raj

Patel

**Account Name:** Raj Patel

**Home:** (000) 000-0000

**Street:**

**Work:**

**City:** Flagstaff

**CBR:** 0000000000

**State:** AZ Zip: 86004

**is:** Cellular

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**Utility Company:** Miscellaneous ACC Questions

**Division:** Misc.

**Contact Name:** Unknown

**Contact Phone:** (000) 000-0000

**Nature of Complaint:**

Burlington northern & Santa Fe Railroad (BNSF) - RR-02635B-09-0075

From: RAJ PATEL [mailto:]  
Sent: Wednesday, July 01, 2009 4:50 PM  
To: Utilities Div - Mailbox  
Subject: city of flagstaff quiet zone application

rajesh patel, 66 motel . docket, city of flagstaff quiet zone application.dcket  
# RR- 2835B-09-005..position on the docket (pro)...my phone #  
\*End of Complaint\*

**Utilities' Response:**

**Investigator's Comments and Disposition:**

July 8, 2009

RE: BURLINGTON NORTHERN & SANTA FE RAILROAD (BNSF) RR-02635B-09-0075

Dear Customer:

Your letter regarding the Burlington Northern & Santa Fe Railroad ("BNSF") rate case will be placed on file with the Docket Control Center of the Arizona Corporation Commission ("Commission") to be made part of the record. The Commission will consider your comments before a decision is rendered in the BNSF application.

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**ARIZONA CORPORATION COMMISSION  
UTILITY COMPLAINT FORM**

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Staff appreciates your comments and the interest taken on the proposed rate increase.

Sincerely,

Alfonso Amezcua  
Public Utilities Consumer Analyst II  
Utilities Division  
\*End of Comments\*

**Date Completed: 7/8/2009**

**Opinion No. 2009 - 80250**

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**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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**Investigator:** Al Amezcua

**Phone:**

**Fax:**

**Priority:** Respond Within Five Days

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**Opinion No. 2009 - 80251**

**Date:** 7/8/2009

**Complaint Description:** 19H Other - Pipeline/RR Safety  
08E Rate Cases Items - In Favor

**First:**

**Last:**

**Complaint By:** PETITION

PETITION

**Account Name:** PETITION PETITION

**Home:** (000) 000-0000

**Street:**

**Work:**

**City:** Flagstaff

**CBR:** 0000000000

**State:** AZ Zip: 86004

**is:** Cellular

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**Utility Company:** Miscellaneous ACC Questions

**Division:** Misc.

**Contact Name:** Unknown

**Contact Phone:** (000) 000-0000

**Nature of Complaint:**

7/8/09 RECEIVED PETITION WITH 12 SIGNATURES.

Burlington northern & Santa Fe Railroad (BNSF) - RR-02635B-09-0075

From: Fred Reese [mailto:fred@littleamerica.com]  
Sent: Wednesday, July 01, 2009 4:45 PM  
To: Utilities Div - Mailbox  
Subject: Completed Public Comment Forms for RR-02635B-09-005

Attached are the completed public comment forms for docket # RR-02635B-09-005.

Fred Reese  
General Manager  
Little America Hotel Flagstaff

Please visit our website at [www.littleamerica.com/flagstaff](http://www.littleamerica.com/flagstaff)

Brenda Lee Naughton  
Ryan Kennedy  
Carol Loome

**ARIZONA CORPORATION COMMISSION**  
**UTILITY COMPLAINT FORM**

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Chris Seery  
Jeff Bonner  
Angela Wisely  
Connie Lara  
Char Kinlicheenie  
Pam Wiebe  
Jennifer McClelland  
Katie Grimmatt  
Fred Reese  
\*End of Complaint\*

**Utilities' Response:**

**Investigator's Comments and Disposition:**

July 8, 2009

RE: BURLINGTON NORTHERN & SANTA FE RAILROAD (BNSF) RR-02635B-09-0075

Dear Customer:

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Sincerely,

Alfonso Amezcua  
Public Utilities Consumer Analyst II  
Utilities Division  
\*End of Comments\*

**Date Completed: 7/8/2009**

**Opinion No. 2009 - 80251**

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