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ALL JEP COMMUNICATIONS
DOCKET CONTROL

ARIZONA CORPORATION COMMISSION

9 DANIEL L. BROWN, State Bar No. 013778
 10 Assistant Chief Counsel
 11 Email: daniel.l.brown@phoenix.gov

12 Attorneys for Applicant City of Phoenix

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:

- 13 KRISTIN K. MAYES, Chairman
- 14 GARY PIERCE
- 15 PAUL NEWMAN
- 16 SANDRA D. KENNEDY
- 17 BOB STUMP

18 IN THE MATTER OF THE APPLICATION OF
 19 THE CITY OF PHOENIX TO CLOSE THE
 20 EAST SIDE OF THE 1ST AVENUE RAILROAD
 21 PEDESTRIAN CROSSING AT THE TRACKS
 22 OF THE UNION PACIFIC RAILROAD
 23 BETWEEN JACKSON STREET AND
 24 BUCHANAN STREET, IN THE CITY OF
 PHOENIX, MARICOPA COUNTY, ARIZONA,
 AT AAR/DOT NO. 741-472-S.

DOCKET NO. RR-03639A-09-0373

**APPLICANT CITY OF PHOENIX'S
CERTIFICATION OF NOTICE**

Pursuant to the Procedural Order dated August 12, 2009 in the above-
 referenced matter, Applicant City of Phoenix hereby files this Certification of Notice as
 follows:

1. Within five business days of the City's receipt of the Procedural Order,
 the City sent a copy by certified mail of the City's application and the Procedural Order to
 the Union Pacific Railroad, Burlington Northern Santa Fe Railroad, Maricopa County, the

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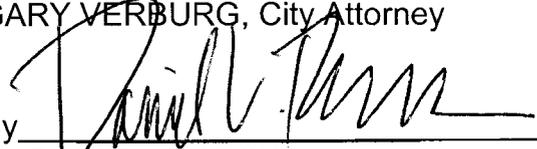
1 Arizona Department of Transportation, adjacent property owners and tenants, and the staff
2 for the Arizona Corporation Commission. (Affidavit of Belinda Cummings ("Cummings
3 Affidavit") attached as Exhibit "A" hereto and incorporated by this reference, ¶3).

4 2. On or about September 4, 2009, the City of Phoenix provided public
5 notice of the hearing for the City's application as provided in the Procedural Order in the
6 Record Reporter. (See Affidavit of Publication attached as Exhibit "B" and incorporated
7 herein by this reference.)

8 3. On or about September 8, 2009, the City of Phoenix posted visible
9 signs within 10 feet of each side of the approach to the pedestrian crossing notifying the
10 public of the proposed closure. The signs were metal with 1½ inch black letters on white
11 background, and mounted on a 4" X 4" wood post or sturdy steel post that is at least 5½
12 feet tall. The terms and conditions of the notice on the sign were as prescribed by the
13 Procedural Order. (Cummings Affidavit, ¶4).

14 RESPECTFULLY SUBMITTED this 5th day of October, 2009.

15 GARY VERBURG, City Attorney

16 By 

17 DANIEL L. BROWN

18 200 W. Washington, Suite 1300

19 Phoenix, Arizona 85003-1611

Attorneys for Applicant City of Phoenix

20 ORIGINAL and 13 copies delivered
21 this 5th day of October, 2009, to:

22 Docket Control Center
23 Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

24 ///

OFFICE OF THE CITY ATTORNEY
GARY VERBURG, City Attorney
200 WEST WASHINGTON, SUITE 1300
PHOENIX, ARIZONA 85003-1611
(602) 262-6761

1 COPIES of the foregoing mailed/delivered
this 5th day of October, 2009, to:

2 Honorable Marc E. Stern
3 Administrative Law Judge
Arizona Corporation Commission
4 1200 W. Washington Street
Phoenix, Arizona 85007

5 Aziz Aman, Manager of Special Projects
6 Union Pacific Railroad Company
2073 E. Jade Drive
7 Chandler, Arizona 85286-4898

8 Robert Travis, PE, State Railroad Liaison
Utilities & Railroad Engineering Section
9 Arizona Department of Transportation
205 South 17th Avenue, Room 357
10 Mail Drop 618E
Phoenix, Arizona 85007-3212

11 COPIES also sent via e-mail this 5th
12 day of October, 2009, to:

13 Janice Alward, Chief Counsel
Charles Hains, Staff Counsel
14 Arizona Corporation Commission
1200 W. Washington Street
15 Phoenix, Arizona 85007
E-Mail: chains@azcc.gov

16 Brian Lehman, Chief
17 Chris Watson
Railroad Safety Section
18 Arizona Corporation Commission
1200 W. Washington Street
19 Phoenix, Arizona 85007
E-Mail: cwatson@azcc.gov

20
21 By: 
DLB:tk/823428

EXHIBIT "A"

OFFICE OF THE CITY ATTORNEY
GARY VERBURG, City Attorney
200 WEST WASHINGTON, SUITE 1300
PHOENIX, ARIZONA 85003-1611
(602) 262-6761

AFFIDAVIT OF BELINDA CUMMINGS

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STATE OF ARIZONA)
) ss.
County of Maricopa)

I, BELINDA CUMMINGS, being duly sworn upon my oath, depose and state as follows:

1. I am a Civil Engineer II with the City of Phoenix Street Transportation Department and the project manager for the City to establish a railroad horn quiet zone in downtown Phoenix.

2. As part of establishing the quiet zone, I am the City's contact for the City's application to the Arizona Corporation Commission to close the subject pedestrian railroad crossing at 1st Avenue.

3. The City of Phoenix received the Procedural Order in this matter on or about August 13, 2009. Within five business days of August 13, 2009, on behalf of the City, I caused a copy of the City's application and the Procedural Order to be delivered by certified mail to the Union Pacific Railroad, Burlington Northern Santa Fe Railroad, Maricopa County, Arizona Department of Transportation, adjacent property owners and tenants, and staff for the Arizona Corporation Commission.

4. On or about September 8, 2009, I took the photographs attached as Exhibits "C" through "H," incorporated herein by this reference. These photographs demonstrate the City of Phoenix posted visible signs within 10 feet of each side of the approach to the pedestrian crossing notifying the public of the proposed closure. Further, the photographs demonstrate and I am aware that the signs were metal with 1½" black letters on white background, and mounted on a 4" X 4" wood post or sturdy steel post that

1 is at least 5½ feet tall. Further, the terms and conditions of the notice on the sign were as
2 prescribed by the Procedural Order.

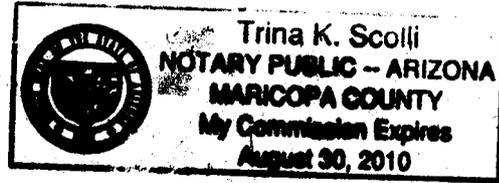
3 WITNESSETH, that I have made the foregoing affidavit and that I verify the
4 same of my own knowledge and positively, and not upon information and belief, and swear
5 to the foregoing.

6 Belinda Cummings
BELINDA CUMMINGS

7 SUBSCRIBED AND SWORN to before me this 5th day of October, 2009, by
8 Belinda Cummings.

9 Trina K. Scolli
10 NOTARY PUBLIC

11 My Commission Expires:
12 August 30, 2010



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EXHIBIT "B"

THE RECORD REPORTER

~ SINCE 1914 ~

1505 N CENTRAL AVE #200, PHOENIX, AZ 85004-1725
Telephone (602) 417-9900 / Fax (602) 417-9910

Publishing for Maricopa
and Pima Counties

SCOTT STEVENTON
CITY OF PHOENIX/CITY CLERK DEPT
200 W WASHINGTON ST #1500
PHOENIX, AZ - 85003-1611

RR# 1684313

AFFIDAVIT OF PUBLICATION

Reference #: CD1000031

Notice Type: PXHRG - ORDER & NOTICE OF HEARING

Ad Description: CLOSE THE EAST SIDE OF THE 1ST AVENUE
RAILROAD PEDESTRIAN CROSSING

I, Marcia Nohava, am authorized by the publisher as agent to make this affidavit. Under oath, I state that the following is true and correct.

THE RECORD REPORTER is a newspaper of general circulation published Monday, Wednesday and Friday except legal holidays, in the County of Maricopa (also publishing for Pima County), State of Arizona. The copy hereto attached is a true copy of the advertisement as published on the following dates:

09/04/2009

State Of Arizona)
)ss.
County Of Maricopa)

Subscribed and sworn to before me on the 4th day of September, 2009



LEONA J. GIBSON
Notary Public - Arizona
Maricopa County
Expires 04/15/2011

PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE APPLICATION OF THE CITY OF PHOENIX TO CLOSE THE EAST SIDE OF THE 1ST AVENUE RAILROAD PEDESTRIAN CROSSING AT THE TRACKS OF THE UNION PACIFIC RAILROAD BETWEEN JACKSON STREET AND BUCHANAN STREET, IN THE CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, AT AAR/DOT NO. 741-472-S. (DOCKET NO. RR-03639A-09-0373) On July 21, 2009, the City of Phoenix ("City") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to close an existing pedestrian crossing at the Railroad's tracks on the east side of 1st Avenue between Jackson Street and Buchanan Street, in Phoenix, Arizona, at AAR/DOT No. 741-472-S. The application is available for inspection during regular business hours at the offices of the Commission 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 **November 10, 2009, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment 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 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 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 **October 16, 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 602-495-2050. 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 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 accommodation.
9/4/09

RR-1684313#

EXHIBIT "C"

NOTICE

AN APPLICATION HAS BEEN FILED WITH THE ARIZONA CORPORATION COMMISSION TO CLOSE THIS PEDESTRIAN CROSSING. THE COMMISSION WILL HOLD A HEARING ON THIS MATTER COMMENCING ON **NOVEMBER 10, 2009, AT 9:30 A.M.**, AT THE COMMISSION'S OFFICES, 1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA. PUBLIC COMMENT WILL BE TAKEN ON THE

FIRST DAY OF THE HEARING. PUBLIC CONCERNS CAN BE MADE IN WRITING TO THE RAILROAD SAFETY SECTION, C/O ARIZONA CORPORATION COMMISSION, 1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 86007, OR CALL 602-542-4251 OR 1-800-222-7000 OR APPEAR AT THE HEARING AND MAKE COMMENT.

SEP 8 2009

EXHIBIT "D"



EXHIBIT "E"



NOTICE
AN APPLICATION HAS BEEN FILED WITH THE ARIZONA CORPORATION COMMISSION TO CLOSE THIS PEDESTRIAN CROSSING. THE COMMISSION WILL HOLD A HEARING ON THIS MATTER COMMENCING ON NOVEMBER 10, 2009, AT 9:30 A.M. AT THE COMMISSION'S OFFICE, 600 WEST WASHINGTON STREET, PHOENIX. ARIZONA PUBLIC COMMENT WILL BE TAKEN ON THE FIRST DAY OF THE HEARING. PUBLIC OBJECTIONS CAN BE MADE IN WRITING TO THE ARIZONA CORPORATION COMMISSION, 600 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85001. FOR MORE INFORMATION, PLEASE CALL 602-255-3434 OR VISIT OUR WEBSITE AT WWW.AZCORP.COM.

SEP 8 2009

EXHIBIT "F"

NOTICE

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SEP 8 2009

EXHIBIT "G"

NOTICE

AN APPLICATION HAS BEEN FILED WITH THE ARIZONA CORPORATION COMMISSION TO CLOSE THIS PEDESTRIAN CROSSING. THE COMMISSION WILL HOLD A HEARING ON THIS MATTER COMMENCING ON NOVEMBER 10, 2009, AT 9:30 A.M., AT THE COMMISSION'S OFFICES, 1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA. PUBLIC COMMENT WILL BE TAKEN ON THE FIRST DAY OF THE HEARING. PUBLIC CONCERNS CAN BE MADE IN WRITING TO THE RAILROAD SAFETY SECTION, C/O ARIZONA CORPORATION COMMISSION, 1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 86007, OR CALL 602-542-4251 OR 1-800-222-7000 OR APPEAR AT THE HEARING AND MAKE COMMENT.

SEP 8 2009

EXHIBIT "H"

NOTICE

AN APPLICATION HAS BEEN FILED WITH THE ARIZONA CORPORATION COMMISSION TO CLOSE THIS PEDESTRIAN CROSSING. THE COMMISSION WILL HOLD A HEARING ON THIS MATTER COMMENCING ON **NOVEMBER 10, 2009, AT 9:30 A.M.**, AT THE COMMISSION'S OFFICES, 1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA. PUBLIC COMMENT WILL BE TAKEN ON THE FIRST DAY OF THE HEARING. PUBLIC CONCERNS CAN BE MADE IN WRITING TO THE RAILROAD SAFETY SECTION, C/O ARIZONA CORPORATION COMMISSION, 1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 86007, OR CALL 602-542-4251 OR 1-800-222-7000 OR APPEAR AT THE HEARING AND MAKE COMMENT.

SEP 8 2009