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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS Arizona Corporation Commission

DOCKETED 2010 JUL -2 A 10: 26

KRISTIN K. MAYES - Chairman

JUL - 2 2010

AZ CORP COMMISSION DOCKET CONTROL

GARY PIERCE

PAUL NEWMAN

SANDRA D. KENNEDY

BOB STUMP

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF THE CITY OF CASA GRANDE AND THE CENTRAL ARIZONA COMMERCE PARK, LLC FOR TO ESTABLISH A NEW PUBLIC RAILROAD CROSSING ON PETERS ROAD IN THE CITY OF CASA GRANDE, PINAL COUNTY, ARIZONA.

DOCKET NO. RR-20747A-10-0206

PROCEDURAL ORDER

BY THE COMMISSION:

On May 19, 2010, the City of Casa Grande ("City") and the Central Arizona Commerce Park, LLC ("CAZCP") (collectively "Applicants") filed with the Arizona Corporation Commission ("Commission") an application for the establishment of a new public railroad crossing on Peters Road between Burriss and Thornton Roads in Casa Grande, Pinal County, Arizona.

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 hearing on the application shall be held on September 23, 2010 at 9:30 a.m., or as soon thereafter as is practicable at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, THE CITY OF CASA GRANDE AND THE CENTRAL ARIZONA COMMERCE PARK, LLC SHALL PROVIDE ANY AFFECTED RAILROAD, AND ANY OTHER FEDERAL, STATE, COUNTY, MUNICIPALITY, INTERESTED AGENCY OR INTERESTED PARTY that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

IT IS FURTHER ORDERED that Safety Division, Railroad Safety Section ("Staff") shall

1 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of
2 them with Docket Control on or before 4:00 p.m. on **September 3, 2010**.

3 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
4 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on
5 **September 13, 2010**.

6 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
7 105, except that all motions to intervene must be filed on or before **September 1, 2010**.

8 IT IS FURTHER ORDERED that the **City of Casa Grande and the Central Arizona**
9 **Commerce Park, LLC** shall provide public notice of the hearing in this matter, in the following
10 form and style:

11 **PUBLIC NOTICE OF THE HEARING IN THE MATTER OF**
12 **THE APPLICATION OF THE CITY OF CASA GRANDE AND**
13 **THE CENTRAL ARIZONA COMMERCE PARK, LLC FOR APPROVAL**
14 **OF A NEW PUBLIC RAILROAD CROSSING ON PETERS ROAD IN**
15 **THE CITY OF CASA GRANDE, PINAL COUNTY, ARIZONA.**
16 **(DOCKET NO. RR-20747A-10-0206)**

17 On May 19, 2010, the City of Casa Grande ("City") and the Central Arizona
18 Commerce Park ("CAZCP") (collectively "Applicants") filed with the Arizona
19 Corporation Commission ("Commission") an application for the establishment of a
20 new public railroad crossing on Peters Road between Burris and Thornton Roads in
21 Casa Grande, Pinal County, Arizona.

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

26 The Commission will hold a hearing on this matter commencing on **September 23,**
27 **2010 at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street,
28 Hearing Room 1, Phoenix, 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 Applicants or their 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 intervener and of
any party upon whom service of documents is to be made if different than the
intervener.
2. A short statement of the proposed intervener's interest in the proceeding (e.g.,
a customer, 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 Applicants or their 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 September 1, 2010. 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 affected individual from appearing at the hearing and making a statement on such individual's own behalf.

If you have any questions about this application, you may contact the Applicants 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 Carolyn Buck, ADA Coordinator, voice phone number (602) 542-3931, E-mail CDBuck@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the City of Casa Grande and the Central Arizona Commerce Park, LLC shall cause the above notice to be published at least once in a newspaper of general circulation in the City of Casa Grande, Pima County, Arizona where the crossing is located, with **publication to be completed no later than August 6, 2010.**

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 CITY OF CASA GRANDE AND THE CENTRAL ARIZONA COMMERCE PARK, LLC SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the publication of notice ordered herein has been completed.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

1 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
2 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
3 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
4 Administrative Law Judge or the Commission.

5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
6 Communications) continues to apply to this proceeding and shall remain in effect until the
7 Commission's Decision in this matter is final and non-appealable.

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

11 DATED this 2nd day of July, 2010.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
17 this 2nd day of July, 2010 to:

18 Brett D. Wallace, City Attorney
19 CITY OF CASA GRANDE
510 East Florence Blvd.
Casa Grande, AZ 85122

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

20 Paul F. Tober, P.E., Traffic Engineer
21 CITY OF CASA GRANDE
3181 North Lear Avenue
Casa Grande, AZ 85222

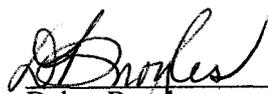
Brian Lehman, Chief, Railroad Safety Section
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

22 Jakob H. Anderson
23 CENTRAL ARIZONA COMMERCE
PARK, LLC
24 3666 North Miller Road, No. 105
Scottsdale, AZ 85251

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

25 Bruce Vana, P.E., Engineer-Manager
26 Utility & Railroad Engineering Section
ARIZONA DEPARTMENT OF
TRANSPORTATION
27 205 South 17th Avenue, M/D 618E
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Marc Stern