

ORIGINAL INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE ARIZONA EASTERN RAILWAY COMPANY AT BIA 2 ROAD EAST OF THE BIA SR170 HIGHWAY, GILA COUNTY, ARIZONA, AT USADOT NO. 742-332-T.

Cons. Docket No. RR-02634A-10-0239

RR-02634A-10-0235
RR-02634A-10-0236
RR-02634A-10-0237
RR-02634A-10-0238

IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO UPGRADE AN EXISTING CROSSING OF THE ARIZONA EASTERN RAILWAY COMPANY AT BIA 101 ROAD NORTH OF THE BIA SR170 HIGHWAY, GILA COUNTY, ARIZONA, AT USADOT NO. 742-336-V.

SAN CARLOS APACHE TRIBE'S MOTION TO INTERVENE

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The San Carlos Apache Tribe (the "Tribe"), by and through its attorneys undersigned, move the Arizona Corporation Commission for its Order allowing the Tribe to Intervene and appear in this matter before the Commission. The proposed upgrades to the railroad crossings addressed in the applications for upgrades in Docket No. RR-02634A-10-0238 and Docket No. RR-02634A-10-0239 are entirely within the exterior boundaries of the San Carlos Apache Reservation. The effected highways are principal road corridors which traverse the Reservation.

The Tribe seeks to intervene for the purpose of liaising with the applicant and other interested parties. The methodologies which are utilized to implement the crossing upgrades should consider and reflect the interests of the Tribe and its members. The Tribe seeks to minimize the disruptions to the Tribe and its member that work on the

Arizona Corporation Commission
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Motion to Intervene SEP 20 2010

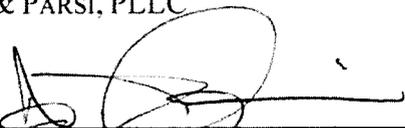
Titlia & Parsi, P.L.L.C.
Alexander B. Ritchie: AZBN 019579
P.O. Box 1143
Globe, AZ 85502; PHONE (928)425-8137 FAX (928)425-9048

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1 upgrades may cause. The Tribe believes that it is in the best interests of the Tribe and its
2 members to coordinate with other interested parties in order to protect and secure the
3 economic, health, safety and welfare interests of the Tribe and its members.

4 **RESPECTFULLY SUBMITTED** this 20th day of September, 2010.

5
6 TITLA & PARSI, PLLC

7
8 By: 

Alexander B. Ritchie

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Attorneys for San Carlos Apache Tribe

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15 **CERTIFICATE OF SERVICE**

16 I hereby certify that I have this day caused to be served the original and thirteen
17 copies of the foregoing document by hand delivery on:

18 Docket Control
19 Arizona Corporation Commission
20 200 West Washington Street
21 Phoenix, Arizona 85008

22 I further certify that I have this day caused to be served a copy of the foregoing
23 document by mailing a copy thereof, properly addressed with first class postage prepaid
24 to the following:

25 Charles H. Hains, Staff Counsel
26 Bridget A. Humphrey, Staff Counsel
27 Legal Division
28 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

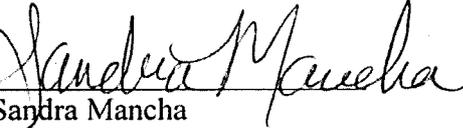
Robert A. Travis
State Railroad Liaison
Arizona Department of Transportation
205 South 17th Avenue, Room 357
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Phoenix, Arizona 85007

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Terry R. Vanderplas
Vice President Railroad Services
Arizona Eastern Railway Company
P.O. Box 2200
Claypool, Arizona 85532

Dated at Globe, Arizona, this 20th day of September, 2010

By: 
Sandra Mancha

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