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BEFORE THE ARIZONA CORPORATION C

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COMMISSIONERS

KRISTIN K. MAYES - Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

2010 SEP 28 P 3:38

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION  
OF THE ARIZONA DEPARTMENT OF  
TRANSPORTATION TO MODIFY FOUR  
EXISTING CROSSINGS OF THE  
BURLINGTON NORTHERN SANTA FE  
RAILWAY AT 103<sup>RD</sup>, 107<sup>TH</sup>, 111<sup>TH</sup>  
AVENUES AND GREENWAY ROAD, IN  
MARICOPA COUNTY, ARIZONA.

DOCKET NO. RR-02635B-10-0305

STAFF'S REQUEST FOR PROCEDURAL  
ORDER

Arizona Corporation Commission

DOCKETED

SEP 28 2010

DOCKETED BY

On July 22, 2010, the Arizona Department of Transportation ("ADOT") filed an application requesting the authorization to upgrade four at grade crossings in relation to the widening of Grand Avenue. By procedural order dated August 11, 2010, a hearing was set for November 16, 2010. Likewise, Arizona Corporation Commission ("Commission") Railroad Safety Section Staff ("Staff") was directed to file a Staff Report by September 29, 2010.

Based on recent communications between Staff and representatives of ADOT, it is Staff's understanding that substantial changes to the application may be necessitated due to ongoing discussions between ADOT and the Burlington Northern Santa Fe Railway. These changes are anticipated to affect the scope and character of the improvements discussed within the application as well as the cost of the overall improvements. It is Staff's further understanding that, due to the extent of these changes, ADOT will be filing an amended application reflecting these changes. Staff is presently unaware of when such amended application will be filed.

Given these circumstances, Staff does not believe that it would make sense to file a Staff Report on September 29 based on information that will likely not reflect the substantial changes that are being made to the application. However, because Staff is presently unaware of when ADOT will

1 be able to file an amended application, Staff is not in a position to recommend when to extend the  
2 Staff Report. Consequently, Staff requests that the Administrative Law Judge vacate the current due  
3 date for the Staff Report and direct Staff to request a further Procedural Order recommending due  
4 dates for all scheduled matters affected by delaying the filing of the Staff Report upon the filing of an  
5 amended application by ADOT.  
6

7 RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of September, 2010.

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10   
11 Charles H. Hains, Attorney  
12 Robin R. Mitchell, Attorney  
13 Legal Division  
14 Arizona Corporation Commission  
15 1200 West Washington Street  
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17 (602) 542-3402

18  
19  
20 **Original and thirteen (13) copies**  
21 **of the foregoing filed this**  
22 **28<sup>th</sup> day of September 2010, with:**

23 Docket Control  
24 Arizona Corporation Commission  
25 1200 West Washington Street  
26 Phoenix, Arizona 85007

27  
28 **Copy of the foregoing mailed this**  
**28<sup>th</sup> day of September 2010, to:**

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