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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 1 2010

DOCKETED BY	<i>[Signature]</i>
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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 103RD,
107TH, 111TH AVENUES AND GREENWAY
ROAD, IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. RR-02635B-10-0305

PROCEDURAL ORDER

BY THE COMMISSION:

On July 22, 2010, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the modification of four crossings of the Burlington Northern Santa Fe Railway ("Railroad") in Maricopa County ("County"), Arizona. The first three of the crossings are in the County and the last one is in the City of Surprise ("City") as follows: 103rd Avenue at USDOT NO. 025 399 X; 107th Avenue at USDOT NO. 025 398 R; 111th Avenue at USDOT NO. 025 397 J; and Greenway Road at USDOT NO. 025 651 J ("Application").

On August 11, 2010, by Procedural Order, the Application was scheduled for hearing on November 16, 2010, and other procedural dates established.

On September 28, 2010, the Safety Division, Railroad Safety Section ("Staff") filed a request for a Procedural Order to be issued. Staff indicated that ADOT and the Railroad were discussing changes to the Application. Because the changes would affect the scope and character of the Application, Staff indicated that the Application would have to be amended. Staff is unaware when this filing will take place and is presently unable to determine when it will be able to file its Staff Report. ADOT has indicated further that public notice has not yet been provided pursuant to the Commission's earlier Procedural order of August 11, 2010.

Under the circumstances, the hearing date of November 16, 2010, should be vacated together

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HW

1 with all related filing dates and the giving of public notice. Upon the filing of an amended
2 Application by ADOT, a new Procedural Order will be issued establishing a new hearing date, a date
3 for public notification, and related filing dates.

4 IT IS THEREFORE ORDERED that the **hearing** on the Application scheduled on **November**
5 **16, 2010**, is hereby vacated.

6 IT IS FURTHER ORDERED that all public notification and filing dates are hereby suspended
7 until an amended Application is filed and a new Procedural Order issued which will establish a new
8 date of hearing, a date for public notification to be given and related filing dates.

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

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

15 DATED this 1st day of October, 2010.

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19 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered
21 this 1st day of October, 2010 to:

22 Melvin V. Thomas, Manager Public Projects
23 BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY
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11
12 By:


Debbi Person
Assistant to Marc E. Stern

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