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Town of S



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Department of Law

2011 JUN 23 1 P 2:00

AZ CORP COMMISSION
DOCKET CONTROL

Civil Division

Direct Phone: (520) 822-8830

Direct Fax: (520) 822-8834

dhochuli@ci.sahuarita.az.us

"Salus populi suprema est lex"
(The people's good is the highest law)

June 21, 2011

Docket Control
Arizona Corporation Commission
400 West Congress, Suite 218
Tucson, AZ 85701

Re: RR-03639A-11-0196

Enclosed for filing are the original and 13 copies of the Certification of Notice and Notice of Appearance by the Town of Sahuarita in the above-referenced matter.

Very Truly Yours,

Martha A. Montgomery, CP
Certified Paralegal

RECEIVED

JUN 22 2011

ARIZONA CORP. COMM
400 W CONGRESS STE 218 TUCSON AZ 85701

Arizona Corporation Commission

DOCKETED

JUN 23 2011

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BEFORE THE ARIZONA CORPORATION COMMISSION

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2011 JUN 23 P 2:00

COMMISSIONERS

GARY PIERCE – Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

JUN 22 2011

AZ CORP COMMISSION
DOCKET CONTROL

ARIZONA CORP. COMM
400 W CONGRESS STE 218 TUCSON AZ 8570*

IN THE MATTER OF THE APPLICATION
OF THE TOWN OF SAHUARITA TO
UPGRADE A CROSSING OF THE UNION
PACIFIC RAILROAD AT NOGALES
HIGHWAY IN THE TOWN OF
SAHUARITA, PIMA COUNTY, ARIZONA,
USDOT NO. 742-123-K.

DOCKET NO. RR-03639A-11-0196

**CERTIFICATION OF NOTICE
AND
NOTICE OF APPEARANCE**

The Town of Sahuarita hereby certifies that it has complied with the public notice provisions of the Procedural Order dated May 23, 2011, as provided hereinafter.

On May 31, 2011, the Town of Sahuarita provided the Union Pacific Railroad and Farmer's Investment Company with a copy of the Application and the Procedural Order by certified mail.

On June 8, 2011, the Town of Sahuarita published a public notice, in the form and substance set forth in the Procedural Order, in the Sahuarita Sun, a weekly newspaper of general circulation in the area where the crossing is located. A copy of the Affidavit of Publication is attached hereto as Exhibit A and incorporated herein by this reference.

On June 10, 2011, the Town of Sahuarita published a public notice, in the form and substance set forth in the Procedural Order, in the Arizona Daily Star, a daily newspaper of general circulation in the area where the crossing is located. A copy of the Affidavit of Publication is attached hereto as Exhibit B and incorporated herein by this reference.

The Town of Sahuarita hereby notifies the Commission and parties that it shall be

1 represented in these proceedings by the undersigned counsel, who is the Town Attorney of the
2 Town of Sahuarita, and who is a duly licensed attorney at law.

3 RESPECTFULLY SUBMITTED this 21st day of June, 2011.



Daniel J. Hochuli
Town Attorney
Town of Sahuarita, Arizona
375 W. Sahuarita Center Way
Sahuarita, Arizona 85629
(520) 822-8830

4
5
6
7
8 ***Original and thirteen (13) copies***
9 ***of the foregoing filed this***
10 ***21th day of June, 2011, with:***

11 Docket Control
12 ARIZONA CORPORATION COMMISSION
13 400 W. Congress, Suite 218
14 Tucson, Arizona 85701

15 ***A copy of the foregoing mailed***
16 ***this 21st day of June, 2011, to:***

17 Alex Popovici, Manager
18 Industry & Public Projects
19 UNION PACIFIC RAILROAD COMPANY
20 631 S. 7TH Street
21 Phoenix, Arizona 85034

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

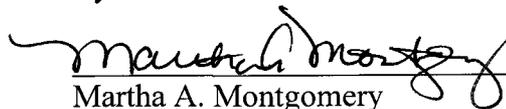
22 Anthony J. Hancock
23 Terrance L. Sims
24 BEAUBUREAU, ZUKOWSKI, &
25 HANCOCK, P.C.
26 302 E. Coronado
Phoenix, Arizona 85004
Attorneys for Union Pacific Railroad Co.

Brian Lehman, Chief
Railroad Safety Section of the Safety Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Marcel Benberou
Manager, Utility & Railroad Engineering
ARIZONA DEPARTMENT OF
TRANSPORTATION
205 South 17th Avenue, M/D 618E
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, Arizona 85004

By:



Martha A. Montgomery
Paralegal to Daniel J. Hochuli

GREEN VALLEY
NEWS
AND SUN

Pamela K. Mox
Publisher

101-42 S. La Cañada • Green Valley Mall
Mailing Address: P.O. Box 567 • Green Valley, AZ 85622
(520) 625-5511 • FAX (520) 625-8046
www.gvnews.com

AFFIDAVIT

This affidavit is to verify that a **PUBLIC NOTICE AD --**

**IN THE MATTER OF THE APPLICATION OF THE TOWN OF SAHUARITA TO
UPGRADE A CROSSING OF THE UNION PACIFIC RAILROAD AT NOGALES
HIGHWAY IN THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, USDOT
NO. 742-123-K. (DOCKET NO. RR-03639A-11-0196)**

was placed in the *Sahuarita Sun* on June 8, 2011 at the request of the Town of
Sahuarita.

Sworn this day, June 16, 2011 by Mari Bon, Advertising Representative.

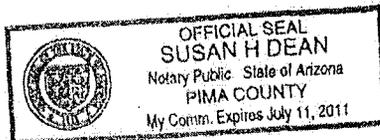
Mari Bon

Subscribed and sworn to before me this 16th day of June, 2011.

Notary Public

Susan H Dean

My Commission Expires: July 11, 2011





PUBLIC NOTICE

**IN THE MATTER OF THE APPLICATION
OF THE TOWN OF SAHUARITA TO
UPGRADE A CROSSING OF THE UNION PACIFIC
RAILROAD AT NOGALES HIGHWAY IN THE TOWN
OF SAHUARITA, PIMA COUNTY, ARIZONA. USDOT
NO. 742-123-K. (DOCKET NO. RR-03639A-11-0196)**

On May 11, 2011, the Town of Sahuarita ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Nogales Highway in the Town of Sahuarita, Pima County, Arizona at USDOT No. 742-123-K.

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 August 18, 2011, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, 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 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 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 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 July 8, 2011. 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 make a statement on such customer's own behalf.

If you have any questions about this application, you may contact the applicant at (520) 344-7100. 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, 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 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 SABernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

Advertising Proof

#M19871 Town of Sahuarita
Mari 2D 06/08/11

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GVN SAHUARITA SUN TV GUIDE
 SCVS KEEPING CURRENT BUS. REV.
 OTHER: _____

Ad Approved As Is
 Ad Approved With Corrections
 Second Proof
 Signature: _____
 E-mailed: _____ Corrected: _____

GREEN VALLEY THE SAHUARITA
NEWS SUN
AND SUN

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Local briefs

Restaurant, retail to open in Sahuarita

Two retail businesses and a restaurant will open soon at Rancho Sahuarita Marketplace.

June 12 is the last day of business for Jerry Bob's at its northern Sahuarita location. Opening in its place in July will be Max's Hawaiian Bar-B-Que, which has a location near the University of Arizona. Jerry Bob's restaurant on Duval Mile Road is not affected and remains open.

Rockology Boutique is set to open in June in one of the spaces previously occupied by the Party Place at Rancho Sahuarita Marketplace, Interstate 19 and Sahuarita Road. The boutique will feature edgy, rock-inspired fashions.

Sahuarita Shooz will open in early September next to Rockology Boutique.

Pecan Festival open to vendors

The 2011 Sahuarita Pecan Festival is looking for vendors and sponsors.

The festival, an instant hit when it debuted in 2008, will be held from 10 a.m. to 3 p.m. Nov. 12, at the Green Valley Pecan Farm, 1025 E. Sahuarita Road, Sahuarita. For more information on becoming a vendor or sponsor, go to www.sahuaritapecanfestival.com and look for the application.



Not forgotten

The Rev. Randy Meyer, pastor of Good Shepherd United Church of Christ in Schuette, Ind., and Sierra Wallin, founder of the Green Valley Sahuarita Somerites, conducted a memorial Friday in the desert south of Green Valley of the spot where the body of a suspected illegal immigrant was found April 29. The Somerites arranged the service for the man, who was from Sinaloa, Mexico. About a dozen people attended the memorial, where a cross, flowers, a votive candle, water and food were placed.

Children sponsored by the Community Food Bank.

Meals will be provided at:

Sahuarita Unified School District central cafeteria, 350 W. Sahuarita Road, Mondays through Thursdays through July 28.

Breakfast from 7:30 a.m. to 8:30 a.m., and lunch from 10:30 a.m. to 12:30 p.m.

Elementary School, 3800 W. Arivaca

road in Amado, weekdays through July 28. Breakfast from 7:30 a.m. to 8:30 a.m., and lunch from 10:30 a.m. to 12:30 p.m.

Arivaca Community Center, 10012 W. Universal Ranch Road in Arivaca, weekdays through July 20. Breakfast from 9 a.m. to 9:30 a.m., and lunch from noon to 1 p.m.

No meals will be served on July 4. For further information, contact Gretchen Garmus, child nutrition programs manager, at (520) 882-2265 or garmus@csd.usprybock.com.

Walden Grove HS AD to be named

The Sahuarita school board today will consider the appointment of an athletic director for the new Walden Grove High School.

The meeting starts at 6:30 p.m. Wednesday in the district auditorium, 360 W. Sahuarita Road. The AD candidate is Ed Garrett, a former college coach and manager of the 1998 Olympic volleyball program who is now a volleyball official in Phoenix area.

While his position has not been approved, Garrett is listed as WCHS athletic director on an Arizona interscholastic Association web site as the contact

person to a listing seeking teams to play the JV football and volleyball team at WCHS. Also on the school board agenda is Sahuarita Town Council member Kara Egbert, who will speak about the fifth-based For Our City program.

The school Governing Board also will discuss the operations and construction spending and revising a policy on relations with booster organizations.

Suspected immigrants nabbed near QC

Border Patrol agents arrested three suspected illegal immigrants near Quail Creek on Tuesday after they ran from the Union Pacific Railroad train stopped south of the community of Ocotillo.

The train stopped between the Union Pacific and Madara Highlands and a number of men jumped from railroad cars and fled into Quail Creek, a Salinas River police spokesman said.

Border Patrol agents received a call at 9:45 a.m. and dispatched agents, who quickly arrested two men, then after questioning them, seized and found another. Border Patrol Agent Colleen said.

FICO open house on development. Farmers Investment Co.

is hosting an open house today about the future development of the Green Valley portion of its pecan groves.

The open house is scheduled for 5:30 p.m. at the La Posada Recreation Center and is an opportunity for residents to discuss the Comprehensive Plan amendment that ZICO has authorized to Pima County. The plan outlines land-use plans for the property, which is expected to develop over a 40- to 50-year period.

FICO also has submitted a Master Plan to the Town of Sahuarita describing development plans.

Red Cross Blood drive Friday at Town Hall

The Sahuarita Police Department and Red Cross Blood Drive will be held from 11 a.m. to 4 p.m. Friday at the American Red Cross Blood Mobile next to the Police Department in the Town Hall complex.

To schedule a time to donate, call 344-7000 and ask to speak to Pauli Kaurz. Those who have donated blood between May 28 and Sept. 8, will be entered in a weekly drawing for a prize and a daily drawing for a \$50 gas card.

The prizes are coordinated by the American Red Cross.

For sale: A whole lot of summer relief

By David Booksteyn www.sahuaritasun.com

Don't tell Phil and Elissa Wintch they make snow cones.

The husband and wife duo run the Da Kimo Hawaiian Shaved Ice stand now operating full time at North Santa Cruz Park in Rancho Sahuarita. Selling at the park is a new venture, but they fear the neighborhood will respond to their frozen treats.

Elissa to Sahuarita." Elissa said.

Shaved ice is made with a block of solid ice that is spun while a three-inch blade cuts off shavings of ice. Snow cones, in contrast, are made from broken-up chunks of ice.

Elissa says shaved ice is more like snow, holds flavor better and is softer than snow cones.

The couple originally drove to Tucson to sell their treats but found Sahuarita to be a better niche

after a test run last fall. Phil started working at the park every day more than three weeks ago.

"We do 10 times better at this lovely little park than up in Tucson," Elissa said.

The couple started the stand after finding themselves with extra money. Elissa comes from a Hawaiian family who ran a shaved ice stand from their front yard in Moroni, Utah. The name of the stand, Da Kimo, comes from Hawaiian slang roughly meaning "the thing."

Elissa said the plan is to be around full time possibly into October or as long as the sun and the heat will last.

During the school year Elissa is a school psychologist with the Sahuarita Unified School District and Phil is serving his master's in social work at Arizona State University's Tucson campus.



ELISSA WINTCH plans to help Sahuarita cope with the long summer.

Advertisement for Barnett-Dulaney-Perkins Eye Center. Text includes: 'Cataract Surgery | Vision Correction | Management of Glaucoma | Diabetic Retinopathy | Macular Degeneration', 'Changing Lives Every Day', 'Our advanced diagnostics for your vision care goes unmatched in the state of Arizona.', 'Regardless of what you may be experiencing with your vision... we are here to help. Our doctors are passionate about protecting your vision and our mission is to keep you on the forefront of all we do in advanced eye care that can change your life.', 'Barnett-Dulaney-Perkins EYE CENTER', '520-955-1000 • www.goodeyes.com', '1131 S. La Canada, Suite 201', 'Kenneth Snow, D.O.', 'Jeff Olsen, O.D. • Brent Hartzell, O.D.'

PUBLIC NOTICE. IN THE MATTER OF THE APPLICATION OF THE TOWN OF SAHUARITA TO UPGRADE A CROSSING OF THE UNION PACIFIC RAILROAD AT NOGALES HIGHWAY IN THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA. USDOT NO. 742-122-K (CHECKET NO. RB-036394-11-0184). On May 11, 2011, the Town of Sahuarita ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Nogales Highway in the Town of Sahuarita, Pima County, Arizona at USDOT No. 742-122-K. The application is available for inspection during regular business hours at the office of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, east on the interstate via the Commission website (www.azcc.gov) using the e-checkout function. The Commission will hold a hearing on this matter commencing on August 16, 2011, at 10:00 a.m., at the Commission's office, 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. R14-9-105, except that all motions to intervene must be filed on or before July 8, 2011. The granting of intervention, among other things, affords a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from submitting a sworn statement. If you have any questions about this application, you may contact the applicant at (602) 346-7100. 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, call 602-442-6251 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 disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format. For sign language interpreter, ADA Coordinator, voice phone number 602-542-9831, e-mail SAA@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA DAILY STAR

Tucson, Arizona

STATE OF ARIZONA)
COUNTY OF PIMA)

Debbie Capanear, being first duly sworn deposes and says: that she is the Legal Advertising Representative of **TNI PARTNERS**, a General Partnership organized and existing under the laws of the State of Arizona, and that it prints and publishes the Arizona Daily Star, a daily newspaper printed and published in the City of Tucson, Pima County, State of Arizona, and having a general circulation in said City, County, State and elsewhere, and that the attached and was printed and

Legal Notice

published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to-wit:

JUNE 10, 2011

Debbie Capanear

Subscribed and sworn to before me this 15 day of June, 2011

Silvia H Valdez
Notary Public



SILVIA H VALDEZ
Notary Public—Arizona
Pima County
Expires 12/15/2013

My commission expires _____

AD NO. 7513427



PUBLIC NOTICE

IN THE MATTER OF THE APPLICATION OF THE TOWN OF SAHUARITA TO UPGRADE A CROSSING OF THE UNION PACIFIC RAILROAD AT NOGALES HIGHWAY IN THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, USDOT NO. 742-123-K. (DOCKET NO. RR-03639A-11-0196)

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Publish June 10, 2011 • Arizona Daily Star