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BEFORE THE ARIZONA CORPORATION COMMISSION

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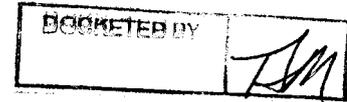
Arizona Corporation Commission

DOCKETED

MAY 10 2013

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL



COMMISSIONERS

- BOB STUMP - Chairman
- GARY PIERCE
- BRENDA BURNS
- BOB BURNS
- SUSAN BITTER SMITH

DOCKET NO. RR-02635B-13-0034

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE EXISTING
CROSSINGS OF THE BURLINGTON
NORTHERN AND SANTA FE RAILWAY AT
THE INDIAN SCHOOL ROAD CONNECTOR
AND 35TH AVENUE IN THE CITY OF
PHOENIX, MARICOPA COUNTY, ARIZONA, AT
AAR/DOT NOS. 025-424-D AND 025-425-K.

PROCEDURAL ORDER
(Continues Hearing)

BY THE COMMISSION:

On February 20, 2013, the Arizona Department of Transportation (“ADOT”) filed with the Arizona Corporation Commission (“Commission”) an application for approval for the Burlington Northern and Santa Fe Railway Company (“BNSF”) to upgrade two existing crossings at the BNSF’s tracks at the Indian School Road Connector and 35th Avenue, in Phoenix, Arizona, at AAR/DOT Nos. 025-424-D and 024-0425-K, respectively (“Application”).

On March 6, 2013, by Procedural Order, a hearing was scheduled on May 9, 2013.

On March 26, 2013, ADOT filed certification that it had provided public notice in accordance with the Commission’s Procedural Order.

On May 9, 2013, a full public hearing was convened before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. ADOT, the BNSF and the Commission’s Safety Division Railroad Safety Section (“Staff”) were present with counsel. Although the City had not filed to intervene, an attorney was present on its behalf. Counsel for Staff requested a short 30-day continuance because Staff believed that certain changes had been made to the proposed upgrades by ADOT, and Staff wanted to further review the Application. A recess was taken and after the parties discussed the matter, Staff maintained its position for a brief continuance. Thereafter, the parties agreed to continue the proceeding to June 10, 2013.

1 IT IS THEREFORE ORDERED that the **hearing** on the Application shall be continued from
2 **May 9, 2013 to June 10, 2013, at 10:00 a.m.**, or as soon thereafter as is practical, at the
3 Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona.

4 IT IS FURTHER ORDERED THAT Staff shall file any amendments to its report not later
5 than **May 28, 2013**, if necessary.

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

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

12 DATED this 10th day of May, 2013.


15 MARC E. STERN
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
18 this 10th day of May, 2013 to:

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22 Assistant to Marc Stern
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