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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

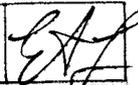
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BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF
THE TOWN OF GILBERT TO UPGRADE
EXISTING CROSSINGS OF THE UNION
PACIFIC RAILROAD COMPANY AT COOPER
ROAD, AAR/DOT NO. 741-816-D, AND AT
GUADALUPE ROAD, AAR/DOT NO. 741-815-W,
IN THE TOWN OF GILBERT, MARICOPA
COUNTY, ARIZONA.

DOCKET NO. RR-03639A-14-0157

ORIGINAL

PROCEDURAL ORDER
(Reschedules Hearing)

BY THE COMMISSION:

On May 12, 2014, the Town of Gilbert ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for Union Pacific Railroad Company ("Railroad") to upgrade the following existing crossings located at the Railroad's tracks: at Cooper Road in Gilbert, Arizona, at AAR/DOT NO. 741-816-D; and at Guadalupe Road in Gilbert, Arizona, at AAR/DOT NO. 741-815-W ("Application").

On May 28, 2014, by Procedural Order, this matter was set for hearing to commence on August 26, 2014, and setting various filing dates.

On July 16, 2014, Jack A. Vincent, Assistant Town Attorney, filed a Notice of Appearance on behalf of the Town.

On July 24, 2014, the Town filed a Notice of Filing Affidavit of Publication.

On August 8, 2014, the Commission's Safety Division, Railroad Safety Section ("Staff") filed a Staff Report.

On August 13, 2014, the parties filed a Joint Request to Continue the Evidentiary Hearing Scheduled for August 26, 2014 ("Request"). In the Request, the parties request that the evidentiary hearing be rescheduled to accommodate the availability of the Railroad's witness.

The request is reasonable and should be granted. Because notice has already been provided for the August 26, 2014 hearing, public comment will be taken at that time.

1 IT IS THEREFORE ORDERED that the hearing scheduled for **August 26, 2014**, at **10:00**
2 **a.m.**, shall proceed only for the purpose of taking **public comment**.

3 IT IS FURTHER ORDERED that the evidentiary hearing will now commence on **October 2,**
4 **2014**, at **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No.
5 2, Phoenix, Arizona.

6 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
7 Communications) applies to this proceeding as the matter is now set for public hearing.

8 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court
9 Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac*
10 *vice*.

11 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
12 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
13 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
14 all hearings and procedural conferences, as well as all Open Meetings for which the matter is
15 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
16 Administrative Law Judge.

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

20 DATED this 15th day of August, 2014.

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SCOTT M. HESLA
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 15th day of August, 2014 to:

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