

ORIGINAL

RR-02635B-15-0300



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Affidavit of Publication

STATE OF NEW MEXICO

) SS

COUNTY OF MCKINLEY

Stacey Fruchey being duly sworn upon oath, deposes and says:

As LEGAL CLERK of The Independent, a newspaper published in and having a general circulation in McKinley County, New Mexico and in the City of Gallup, New Mexico and having a general circulation in Cibola County, New Mexico and in the City of Grants, New Mexico and having a general circulation in Apache County, Arizona and in the City of St. Johns and in the City of Window Rock, Arizona therein: that this affiant makes the affidavit based upon personal knowledge of the facts herein sworn to. That the publication, a copy of which is hereto attached was published in said newspaper during the period time of publication and said notice was published in the newspaper proper, and not in a supplement thereof, for One Time, the first publication being on the day of 2015, the second publication being on the day of 2015, the third publication being on the day of 2015,

and the last publication being on the 3rd day of October, 2015. That such newspaper, in which such notice or advertisement was published, is now and has been at all times material hereto, duly qualified for such purpose, and to publish legal notices and advertisements within the meaning of Chapter 12, of the statutes of the State of New Mexico, 1941 compilation,

Stacey Fruchey
Affiant.

Sworn and Subscribed to before me this 3rd day of October, A.D., 2015.

Notary Public

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Navajo Region

Division of Transportation

My commission expires: August 27th, 2017.

Arizona Corporation Commission

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AZ CORP COMMISSION

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DEPARTMENT OF THE INTERIOR/BUREAU OF INDIAN AFFAIRS TO REPLACE AN EXISTING AT-GRADE CROSSING OF THE BNSF RAILWAY AND TO CONSTRUCT A FOUR SPAN BRIDGE OVER THE BNSF RAILWAY TRACKS AND THE RIO PUERCO RIVER IN NAVAJO, APACHE COUNTY, ARIZONA USDOT NO. 0250113 (DOCKET NO. RR-02635B-15-0300) On August 19, 2015, the United States Department of the Interior/Bureau of Indian Affairs (US BIA) filed with the Arizona Corporation Commission (Commission) a request for approval for the USBIA to replace an existing at-grade crossing of the BNSF Railway (Railway) with the construction of a four span bridge overpass that will span both the tracks of the Railway and the Rio Puerco River in Navajo, Apache County, Arizona at USDOT No. 0250113 (Application). The Application is available for inspection during regular business hours at the Commission's offices, 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 December 10, 2015, at 10:00 a.m. at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, 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 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 Railway, 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 November 6, 2015. 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 making a statement on such customer's own behalf. If you have any questions about this application, you may contact the applicant at (602) 363-3223. 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.