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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

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DOCKETED

TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD W. DUNN

FEB 6 2017

DOCKETED BY
GB

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO CONSTRUCT A NEW
GRADE SEPARATED CROSSING AND REMOVE
AN EXISTING AT-GRADE CROSSING OF THE
UNION PACIFIC RAILROAD ON THE SR 347, IN
THE CITY OF MARICOPA, PINAL COUNTY,
ARIZONA,.

DOCKET NO. RR-03639A-17-0020

PROCEDURAL ORDER
REGARDING CONSENT TO EMAIL
SERVICE

BY THE COMMISSION:

On Month January 25, 2017, Arizona Department of Transportation (“ADOT”) filed with the Arizona Corporation Commission (“Commission”) an application for approval for the Union Pacific Railroad (“Railroad”) to construct a new grade separated structure and remove an existing at-grade crossing on the SR 347 in the City of Maricopa (“Maricopa” or “City”), Pinal County, Arizona (“Application”).

The Commission has created a process for parties to a docket to consent to receive service by email, rather than by U.S. Mail, for all filings made in the docket. This process requires a party to file a Consent to Email Service and send a verification email to the Hearing Division, after which the Hearing Division will issue a Procedural Order Granting Consent to Email Service.

Once a party’s Consent to Email Service is approved, the **party will receive all filings made by a Commissioner, the Commission’s Executive Director, or a Commission Division via an email containing a link to access the filing online.** These emails are automatically generated by the filing of a document with Docket Control,¹ specifically by the document’s being scanned into the Commission’s eDocket system. The party **may** also begin receiving service by email of other parties’

¹ There may be a brief delay in email service when a voluminous filing is made, due to the time necessary to scan the filing into eDocket.

1 filings made in the docket, although whether or not to provide service by email is within each party's
2 discretion.

3 **The Commission appreciates when parties consent to email service and encourages parties**
4 **to do so.** Email service enables parties more promptly to receive service of filings made in a case by
5 a Commissioner, the Commission's Executive Director, or a Commission Division and reduces both
6 the amount of paper the Commission consumes and the Commission's postal expenses.

7 To allow outside parties to enjoy similar benefits, the **Commission has determined that the**
8 **Safety Division shall automatically be deemed to have consented** to email service in any case in
9 which it is a party.² In addition, the **Commission requests that parties cease providing courtesy**
10 **copies** of their filings to the Hearing Division.

11 **Parties who do not consent to email service will not be provided documents filed by a**
12 **Commissioner, the Commission's Executive Director, or a Commission Division via email** and
13 will instead continue to receive all of these documents in hard copy via the U.S. Mail. Parties who do
14 not opt in to email service also may not receive hard copies of some documents filed by a Commissioner
15 or the Commission's Executive Director, such as Amendments to Open Meeting Agenda items.

16 **This Procedural Order is issued to notify parties of the process to Consent to Email**
17 **Service and the requirements related thereto.**

18 IT IS THEREFORE ORDERED that, as permitted under A.A.C. R14-3-107(B), **each party to**
19 **this matter may opt to receive service** of all filings in this docket, including all filings by parties, all
20 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
21 Commission's Hearing Division, and all filings made by a Commissioner or the Commission's
22 Executive Director, **via email** sent to an email address provided by the party rather than via U.S. Mail.

23 **To exercise the email service option, a party shall:**

- 24 1. Ensure that the party has a valid and active email address to which the party has regular
25 and reliable access ("designated email address");

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27
28 ² In cases that do not involve the Commission's Securities Division, the Commission's Legal Division shall be included as counsel for the Commission Division involved in the case.

- 1 2. Complete a Consent to Email Service using the form available on the Commission's
2 website (www.azcc.gov) or a substantially similar format;
- 3 3. **File** the original and 13 copies of the **Consent to Email Service** with the Commission's
4 Docket Control, also providing service to each party to the service list;
- 5 4. **Send an email**, containing the party's name and the docket number for this matter, to
6 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
7 the Hearing Division to verify the validity of the designated email address;
- 8 5. Understand and agree that service of a filing on the party shall be complete upon the
9 first of the following to occur: (1) the sending, to the designated email address, of an
10 email containing an electronic copy of the filing or a link to access the filing online; or
11 (2) for a filing made by a Commissioner, the Commission's Executive Director, or a
12 Commission Division, the making of the filing with a service certification including
13 coding indicating that an automatic service email for the filing shall be sent to each party
14 whose consent to email service has been approved;
- 15 6. Understand and agree that the party may provide additional email addresses on the
16 Consent to Email Service for individuals to whom the party desires to have service
17 emails sent as a courtesy, but that these courtesy email addresses are not the designated
18 email address and will not be verified; and
- 19 7. Understand and agree that the party will no longer receive service of filings in this
20 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
21 and until the party withdraws this consent through a filing made in this docket.

22 IT IS FURTHER ORDERED that a **party's Consent to Email Service shall not become**
23 **effective until a Procedural Order is issued approving the Consent to Email Service** for the party.
24 The Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and
25 the Hearing Division has verified receipt of an email from the party's designated email address.

26 IT IS FURTHER ORDERED that the Commission's **Safety Division is deemed to have**
27 **consented to email service for this docket using the following email address/es:**
28 **legaldiv@azcc.gov and blehman@azcc.gov.**

1 IT IS FURTHER ORDERED that **if the Safety Division desires for courtesy emails** to be sent
2 to additional email addresses, the Safety Division **shall make a filing** listing those email addresses.

3 IT IS FURTHER ORDERED that a party's Consent to Service by Email in this docket does not
4 change the requirement that **documents must be filed with the Commission's Docket Control in**
5 **hard copy with an original and the requisite number of copies.**

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

9 DATED this 17TH day of February, 2017.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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1 On this 6th day of February, 2017, the foregoing document was filed with Docket Control as a
2 Procedural Order Regarding Consent to Email Service, and copies of the foregoing were mailed on
3 behalf of the Hearing Division to the following who have not consented to email service. On this date
or as soon as possible thereafter, the Commission's eDocket program will automatically email a link
to the foregoing to the following who have consented to email service.

4 Alex Popovici, Manager
5 Industry & Public Projects
6 UNION PACIFIC RAILROAD COMPANY
7 631 South 7th Street
8 Phoenix, AZ 85034-2203

9 W. Reed Campbell
10 BEAUGUREAU, ZUKOWSKI & HANCOCK, P.C.
11 302 East Coronado
12 Phoenix, AZ 85004
13 Attorneys for Union Pacific Railroad Company

14 Michelle Burton
15 Assistant Attorney General
16 OFFICE OF THE ATTORNEY GENERAL
17 1275 West Washington Street
18 Phoenix, Arizona 85007

19 Sayeed M. Hani
20 Railroad and Utility Coordinator
21 ARIZONA DEPARTMENT OF TRANSPORTATION
22 205 South 17th Avenue, Room 357
23 M/D 618E
24 Phoenix, AZ 85007

25 Gregory Rose
26 Maricopa City Manager
27 39700 W. Civic Center Plaza
28 Maricopa, AZ 85138

Timothy La Sota, Acting Director
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Attorneys for Safety Division
LegalDiv@azcc.gov
BLEhman@azcc.gov

Consented to Service By Email

24 By: RTallman
25 Rebecca Tallman
26 Assistant to Marc E Stern
27
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