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Arizona Corporation Commission

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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION FOR
ARIZONA CORPORATION COMMISSION
(RAILROAD SAFETY) FOR APPROVAL OF THE
2017 GRADE CROSSING ARRAY.

DOCKET NO. RR-00000E-17-0018

PROCEDURAL ORDER
REGARDING CONSENT TO EMAIL
SERVICE

BY THE COMMISSION:

On January 19, 2017, the Arizona Corporation Commission Railroad Safety Section filed an Application for approval of the 2017 Grade Crossing Array, which resulted in the opening of this docket.

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

The Commission appreciates when parties consent to email service and encourages parties to do so. Email service enables parties more promptly to receive service of filings made in a case by

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 a Commissioner, the Commission's Executive Director, or a Commission Division and reduces both
2 the amount of paper the Commission consumes and the Commission's postal expenses.

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

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

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

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

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

- 20 1. Ensure that the party has a valid and active email address to which the party has regular
21 and reliable access ("designated email address");
- 22 2. Complete a Consent to Email Service using the form available on the Commission's
23 website (www.azcc.gov) or a substantially similar format;
- 24 3. **File** the original and 13 copies of the **Consent to Email Service** with the Commission's
25 Docket Control, also providing service to each party to the service list;

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

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

22 IT IS FURTHER ORDERED that the Commission's **Safety Division is deemed to have**
23 **consented to email service for this docket using the following email address/es:**
24 **Legaldiv@azcc.gov and JMazza@azcc.gov.**

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

27 ...

28 ...

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

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

7 DATED this 7th day of February, 2017.

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10 MARC E. STERN
11 ADMINISTRATIVE LAW JUDGE
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1 On this 7th 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 Timothy La Sota, Acting Director
5 Legal Division
6 ARIZONA CORPORATION COMMISSION
7 1200 West Washington Street
8 Phoenix, AZ 85007
9 Attorneys for Safety Division
10 LegalDiv@azcc.gov
11 JMazza@azcc.gov

12 **Consented to Service by Email**

13 By: 
14 Staci Antrim
15 Assistant to Marc E. Stern
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