

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Appeal of UDOT
Decision Case No. 2005-CL2

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DOCKET NO. 06-999-01
REPORT AND ORDER DISMISSING
APPEAL

ISSUED: August 18, 2008

By The Commission:

On January 4, 2006, Mayor Lou Ann Christensen, on behalf of Brigham City, Utah, filed an appeal pursuant to *Utah Code Annotated* § 54-4-15(4)(a) of the decision of the Utah Department of Transportation (“UDOT”) not to close a railroad crossing at 300 North in Brigham City.

On February 13, 2006, UDOT filed a memorandum explaining its decision not to close the subject railroad crossing.

On April 10, 2006, the Commission issued a Notice of Hearing setting hearing on the subject appeal to commence on May 23, 2006.

On May 9, 2006, Hugh and Juliana Larsen, owners of a dairy farm in the vicinity of the 300 North railroad crossing, filed documentation supporting UDOT’s decision not to close said crossing.

On May 18, 2006, in response to the request of interested parties, the Commission issued a Notice of Cancellation of Hearing to permit parties additional time to reach a settlement of the issues giving rise to the appeal.

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On July 31, 2008, representatives of Brigham City contacted Commission staff stating the parties had resolved their dispute and requesting the appeal be dismissed.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The appeal filed herein is dismissed.

Pursuant to Utah Code §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 18th day of August, 2008.

/s/ Steven F. Goodwill
Administrative Law Judge

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Approved and Confirmed this 18th day of August, 2008, as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#58533