

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Logan City’s Petition Requesting Investigation into Union Pacific Railroad Company’s Administration of Agreements and Maintenance Provisions	<u>DOCKET NO. 21-888-01</u> <u>ORDER DISMISSING PETITION AND REQUEST FOR AGENCY ACTION</u>
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ISSUED: February 27, 2023

On October 4, 2021, Logan City filed with the Public Service Commission (PSC) a Petition and Request for Agency Action (“Petition”). The Petition requested the PSC to “investigate the practices and actions taken by Union Pacific Railroad Company (“UPRR”) [regarding its] refusal to pay maintenance costs for improvements in at-grade crossings.”¹ On October 5, 2021, the PSC issued Notices of Filing, Comment Period, and Virtual Scheduling Conference.

On November 3, 2021, UPRR filed its response to the Petition, and included a motion to dismiss the Petition. On November 17, 2021, Logan City replied to UPRR’s response, and opposed UPRR’s motion to dismiss. On November 22, 2021, the PSC issued a Scheduling Order and Notice of Hearing. On November 29, 2021, UPRR filed a reply in support of its motion to dismiss. On January 13, 2022, the PSC issued a Notice indicating it intended to deny UPRR’s motion to dismiss and would include its reasoning for the denial in its final order, which would be issued after full consideration of the merits of the docket.

On May 3, 2022, this docket came to a hearing, Yvonne Hogle presiding. The hearing consisted of the admission of written testimony and exhibits, and examination of live witnesses. Post-hearing briefing was submitted by the parties in June 2022.

¹ Petition at 1.

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On July 19, 2022, the parties filed a Stipulation to Stay Proceedings based on settlement negotiations. The PSC stayed this docket by Order dated July 20, 2022.

On February 14, 2023, the parties filed a Stipulated Motion to Dismiss, advising that they have entered into a settlement agreement and requesting dismissal of this docket.

Having considered the Stipulated Motion to Dismiss submitted by the parties and good cause shown, the Petition is dismissed.

DATED at Salt Lake City, Utah, February 27, 2023.

/s/ John Delaney
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#327141

Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the PSC within 30 days after the issuance of this 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 PSC does not grant a request for review or rehearing within 30 days after the filing of the request, it is deemed denied. Judicial review of the PSC'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 §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on February 27, 2023, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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