BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF BNSF RAILWAY COMPANY FOR A) CASE NO. BNR-R-17-01
CLEARANCE WAIVER)
) NOTICE OF APPLICATION
)) NOTICE OF
) MODIFIED PROCEDURE
) ORDER NO. 33832

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that on June 30, 2017, BNSF Railway Company ("BNSF") filed with the Commission a request for a clearance waiver of the Railroad Clearance Rules. *See* IDAPA 31.71.01.000, *et seq*. BNSF's request is due to its claimed need for a point of reference for authority to work on a specific portion of track.

Specifically, BNSF states that it needs a clearance waiver from IDAPA 31.71.01.301 (Rule 301), because it hopes to install a "Track and Time Point Sign" where the outside edge of the sign will be no less than six feet six inches (6'6") from the centerlines of the two underlying mains. Rule 301 requires at least eight feet six inches (8'6") for all side clearances. IDAPA 31.71.01.301. A diagram of the sign BNSF proposes to use was attached to BNSF's Application.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has preliminarily determined that the public interest may not require a formal hearing for this matter, and that the matter will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty one (21) days from the service date of this Notice. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically

NOTICE OF APPLICATION NOTICE OF MODIFIED PROCEDURE ORDER NO. 33832 request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary Idaho Public Utilities Commission PO Box 83720 Boise, ID 83720-0074 Mark Hunter BNSF Railway 8310 Nieman Road Lenexa, KS 66219

E-mail: mark.hunter@bnsf.com

Street Address For Express Mail:

472 W. Washington Street Boise, ID 83702-5983

All comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Comments and Questions" icon and complete the comment form using the case number as it appears on the front of this document. These comments must also be sent to Applicant at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The Application is also available on the Commission's web site at www.puc.idaho.gov by clicking on "File Room" and then "Rail & Pipeline Cases."

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 and 62 of the Idaho Code. The Commission may enter any final Order consistent with its authority.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.

NOTICE OF APPLICATION NOTICE OF MODIFIED PROCEDURE ORDER NO. 33832

ORDER

IT IS HEREBY ORDERED that this Application be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments in this matter must do so within 21 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3^{ed} day of August 2017.

PAUL KJELLANDER, PRESIDENT

KRISTINE RAPER, COMMISSIONER

ERIC ANDERSON, COMMISSIONER

ATTEST:

Diane M. Hanian Commission Secretary

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