

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Oxnard to construct Camino Del Sol, a public street, at-grade across the track of the Union Pacific Railroad Company in the City of Oxnard, County of Ventura.

Application 01-10-047
(Filed October 26, 2001)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Following a telephone status conference with all parties on April 23, 2003,

IT IS RULED that:

1. Summary

This ruling sets forth the procedural schedule, addresses the scope of the proceeding and designates the principal hearing officer pursuant to Pub. Util. Code § 1701.(a) and Rule 6.3 of the Rules of Practice and Procedure.

2. Scope of the Proceeding

At issue in this application are the following matters:

- a. Has Applicant justified the need for the proposed at-grade crossing of Union Pacific Railroad Company tracks by the extension of Camino Del Sol?
- b. Has Applicant demonstrated that it is not practicable to construct a grade separation at this location?
- c. Has Applicant shown that the proposed crossing is not duplicative and is required for public convenience and necessity?
- d. Has Applicant shown that it has addressed and resolved public safety concerns raised by Commission staff and protestants?
- e. Has Applicant shown that it has or will have necessary property rights to carry out the proposed crossing?

- f. Has Applicant demonstrated that construction of the proposed at-grade crossing is not contrary to public policy in California?

3. Schedule

A hearing is necessary. The parties have agreed on the following schedule:

June 30, 2003	Applicant will serve its written direct testimony on all parties and on the Administrative Law Judge (ALJ).
August 1, 2003	Protestants will serve their written opposition testimony on all parties and on the ALJ.
August 22, 2003	Applicant will serve its written rebuttal testimony on all parties and on the ALJ.
September 8, 2003	Public Participation Hearings will be conducted at 4 p.m. and 7 p.m. in the Oxnard City Hall Council Chamber, 305 West Third Street, Oxnard, CA 93030.
September 9-11, 2003	An Evidentiary Hearing will be conducted in the Oxnard City Hall Council Chamber, beginning at 10 a.m. each day.
October 17, 2003	Parties will file and serve concurrent opening briefs.
October 31, 2003	Parties will file and serve concurrent reply briefs.

Resolution of this case is anticipated by January 2004.

4. Notice of Public Participation Hearings

Applicant shall serve notice of the September 8 Public Participation Hearings through posting in a local newspaper and through mailings to concerned agencies and citizens groups. The form of the notice shall be submitted to and approved in advance by the Commission's Public Advisor in Los Angeles.

5. Category of Proceeding; Principal Hearing Officer

This application is ratesetting, as defined in Rule 5(c). ALJ Walker is designated as the principal hearing officer.

Dated April 30, 2003, at San Francisco, California.

/s/ GEOFFREY F. BROWN

Geoffrey F. Brown
Assigned Commissioner

