

MAR 13 1995

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF AMALGAMATED SUGAR COMPANY) CASE NO. UP-RR-95-1
SEEKING A WAIVER OF THE)
COMMISSION'S RAILROAD CLEARANCE) NOTICE OF APPLICATION
RULES, IDAPA 31.71.01.000 *ET SEQ.*) NOTICE OF MODIFIED PROCEDURE
_____)**

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that on December 14, 1994, the Idaho Public Utilities Commission received an Application from Amalgamated Sugar Company for approval of a platform the Company has already constructed which does not comply with side clearance requirements between railroad cars and fixed objects. The platform limits side clearances to approximately 6'1" from the centerline of the rails, whereas the Commission's Railroad Rule 302(d) requires a side clearance of 8'6" between the centerline of the rails and fixed obstacles. IDAPA 31.71.01.302(d).

The platform is between two rail spurs which terminate in a bulk loading enclosure area within one of the buildings at Amalgamated's Nampa, Idaho processing facility. Amalgamated constructed the platform to enable its employees to safely gain access the tops of rail cars to clean top loaded units, to position loading spouts to fill them, and to distribute sugar being loaded within the cars. The platform's base is at a height approximately 13'10½" above the top of the rails. Diagrams of the platform are attached to this Notice.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has concluded that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201-204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201-204.

YOU ARE FURTHER NOTIFIED that diagrams of Amalgamated's proposal are attached to this Notice as Sketches 1 through 6. Persons having questions about the Application may contact

a Commission representative at (208) 334-0327 or contact Mr. Dave Potter at the Amalgamated office in Nampa, Idaho (208) 466-3541.

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 or opposing the Application. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application should be mailed to:

COMMISSION SECRETARY
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074

Street Address for Express Mail:
472 W WASHINGTON STREET
BOISE, ID 83702-5983

FAX NUMBER: (208) 334-3762

Comments or protests should contain the case caption and case number shown on the first page of this document.

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 or protests 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 copies of this Notice will be forwarded to the Union Pacific Railroad Company, its affiliated unions, and to Local 284 of the American Federation of Grain Millers. Amalgamated shall duplicate this Notice and post the same for public inspection at two locations in its Nampa facilities.

YOU ARE FURTHER NOTIFIED that the Application together with supporting exhibits which have been filed with the Commission are available for public inspection during regular business hours at the Commission offices.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 and Title 62 of the *Idaho Code* and that 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.

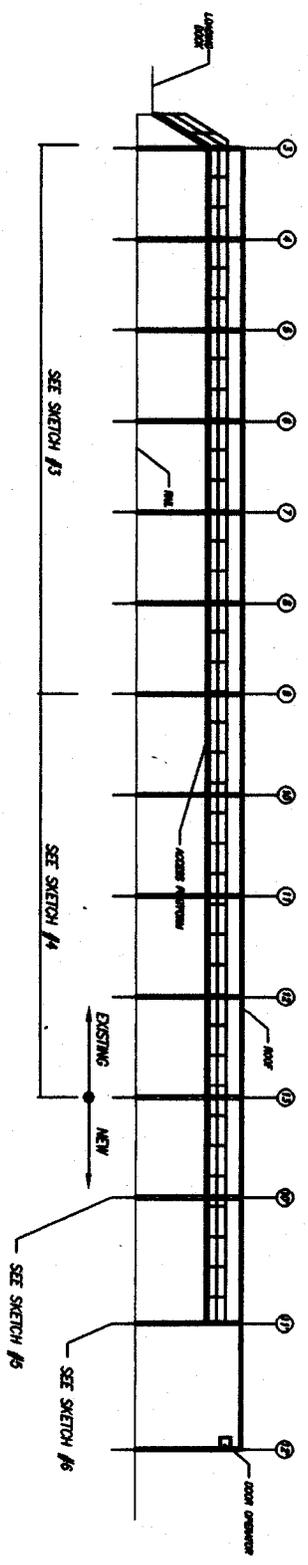
DATED AT Boise, Idaho, this *13~~th~~* day of March 1995.



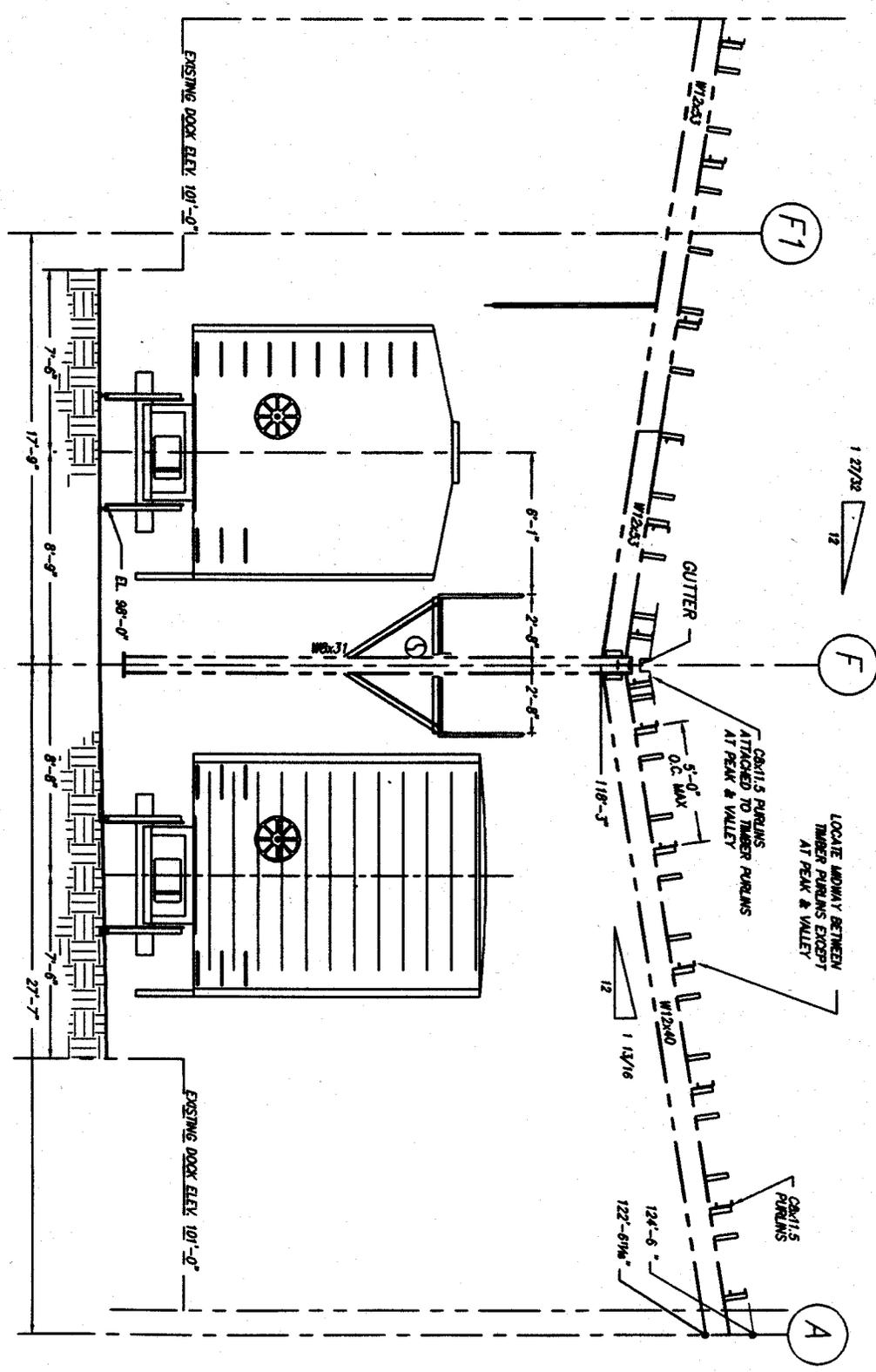
MYRNA J. WALTERS
COMMISSION SECRETARY

N-uprr951.dh

ELEVATION - ACCESS PLATFORMS IN BULK LOADING AREA

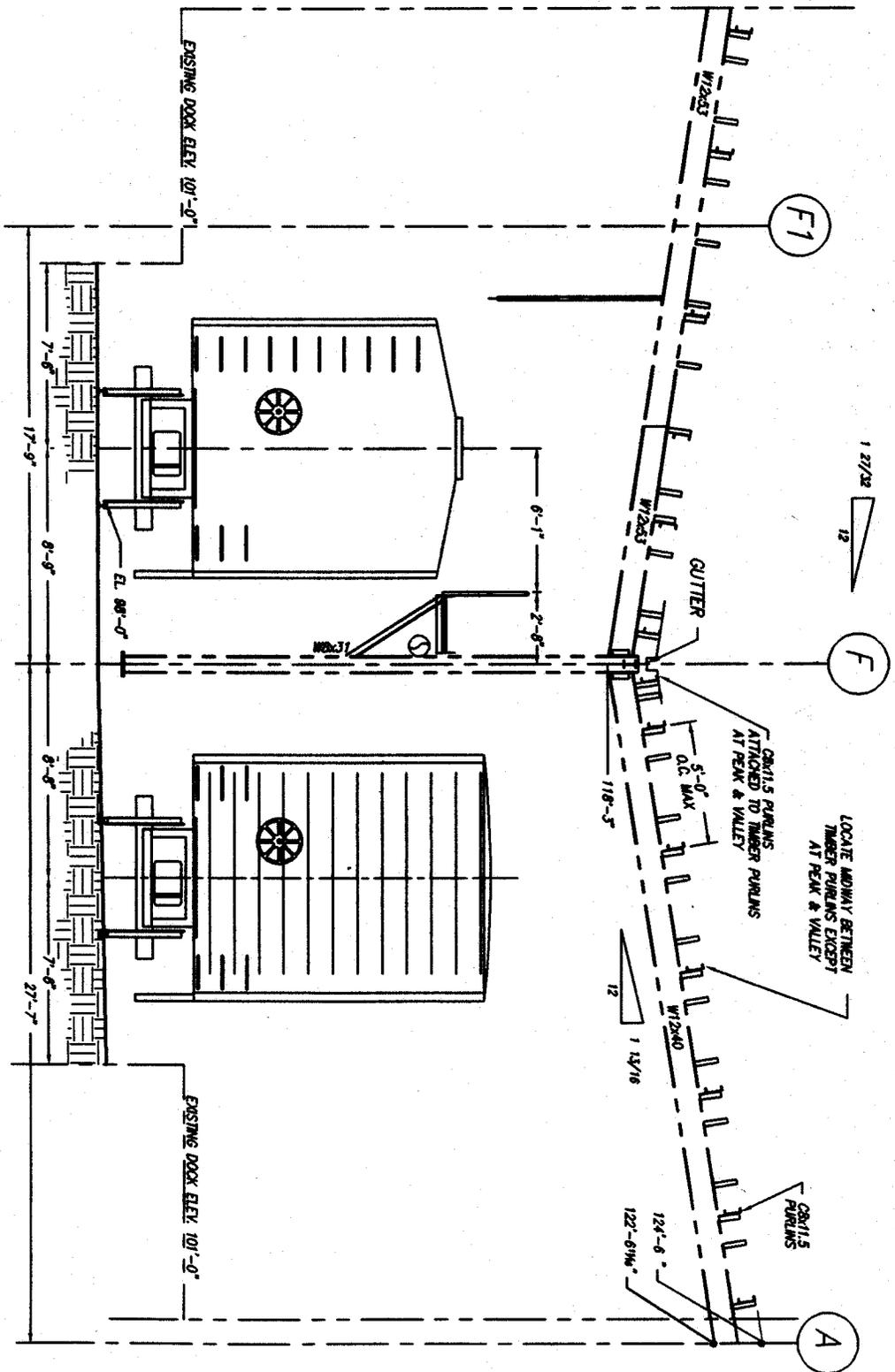


SKETCH #2



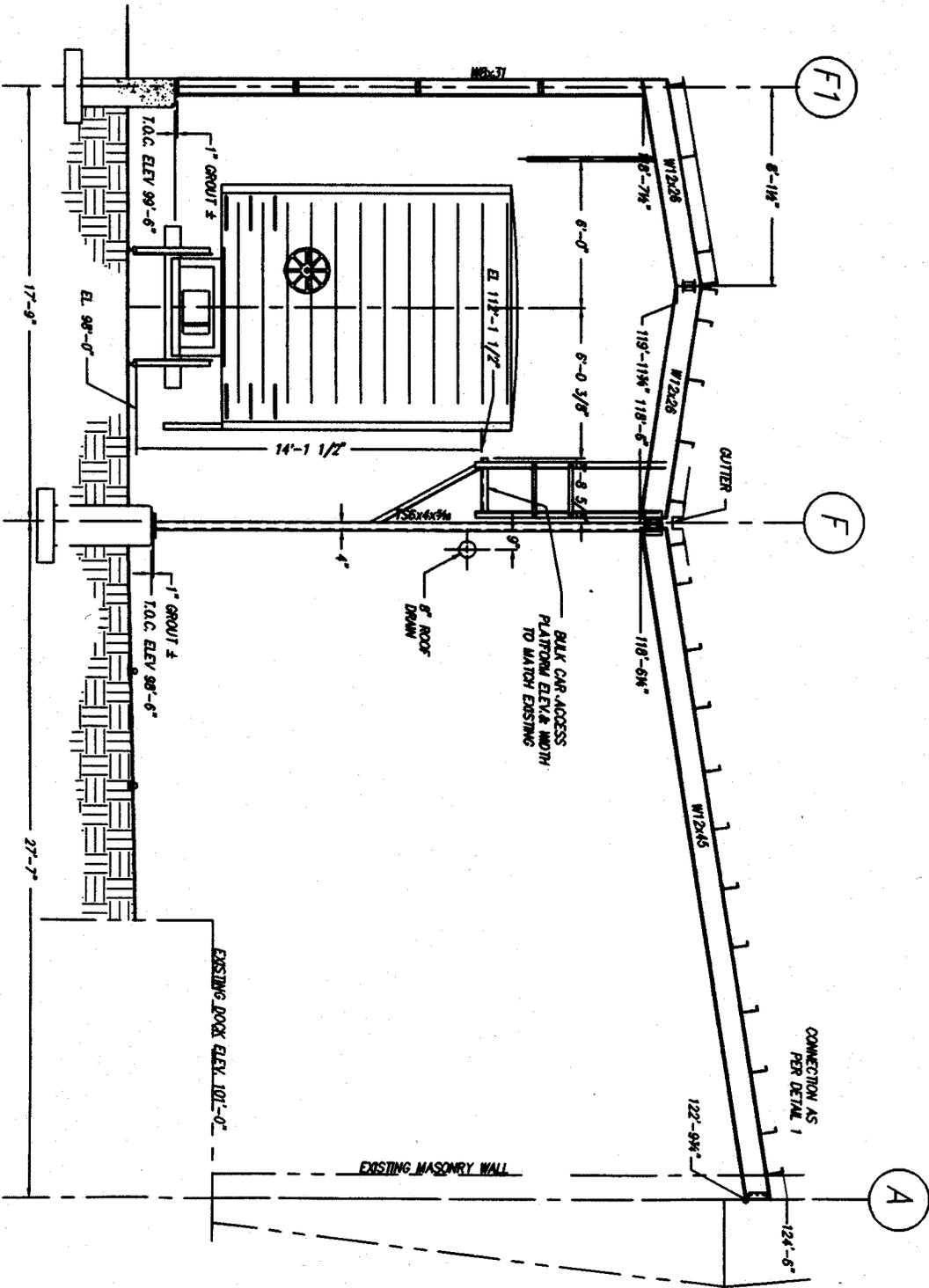
SECTION A @ GRIDS 3 TO 9

SKETCH #3



SECTION A @ GRIDS 9 TO 13

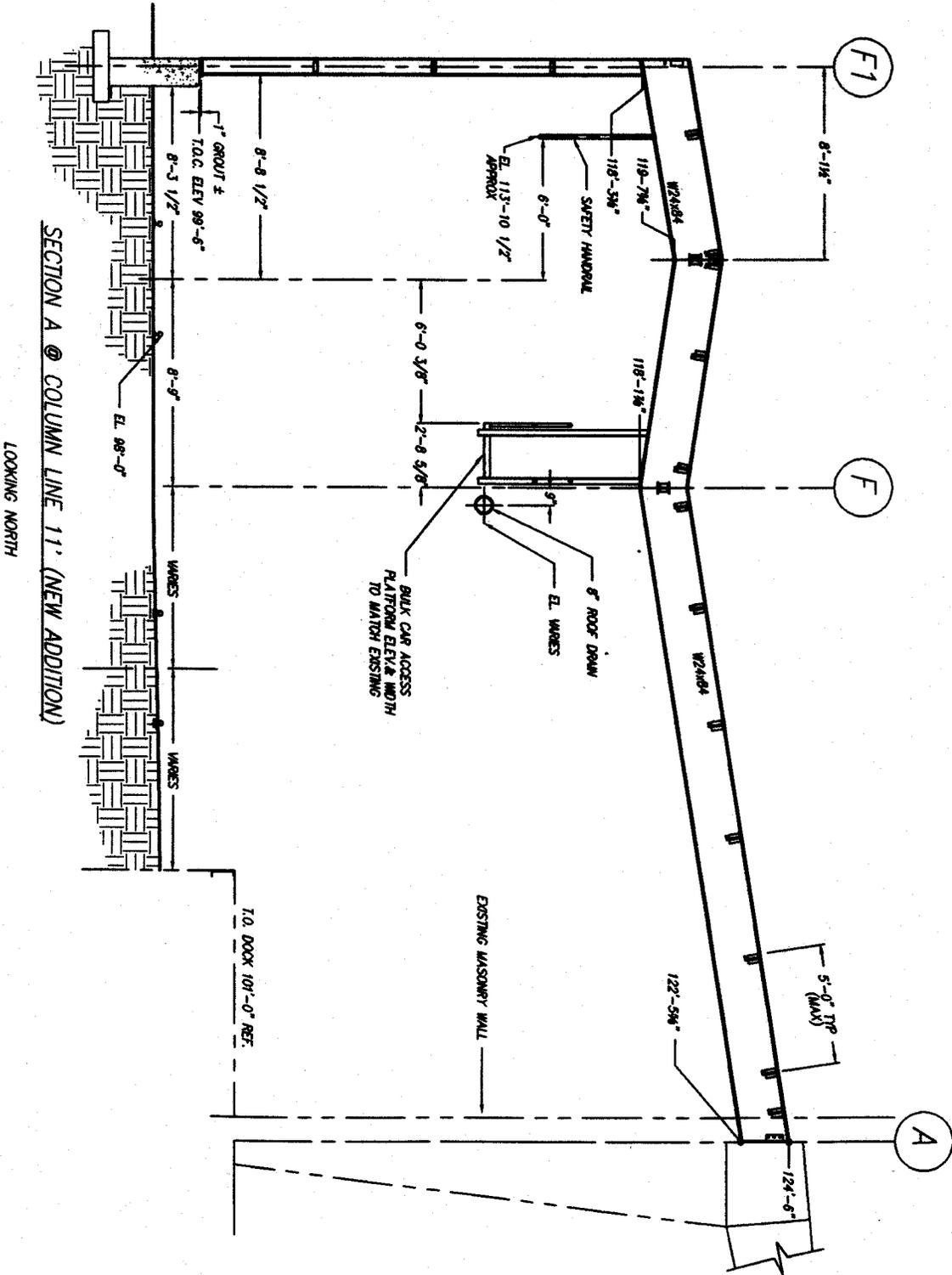
SKETCH #4



SECTION A @ COLUMN LINE 10' (NEW ADDITION)

LOOKING NORTH

SKETCH #5



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this *13th* day of March, 1995, I served a NOTICE OF APPLICATION AND NOTICE OF MODIFIED PROCEDURE in Case No. UP-RR-95-1 on each of the following by depositing in the United States Mail in a sealed envelope with postage prepaid.

Dave Potter
Amalgamated Sugar Company
PO Box 87
Nampa, Idaho 83653

Gary L. Bonner
Union Pacific Railroad Company
1313 1st Street North
Nampa, Idaho 83687

Ron Scott
American Federation of Grain Millers
PO Box 9040
Nampa, Idaho 83651

James T. Mular
TCIU
440 Roosevelt Drive - Rt 1
Butte, Montana 59701

Bon Burnette
United Transportation Union
6408 Wright Lane
Nampa, Idaho 83686

George Millward
United Transportation Union
355 S Arthur #1B
Pocatello, Idaho 83201

Rat Corpus
Secretary