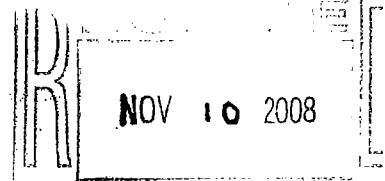


BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO



In the Matter of a Request for an Exemption)
From Stopping for School Buses and Other)
Motor Vehicles at the Grant Avenue Grade) Case No. 08-1193-RR-RCP
Crossing (852-879P), in the Village of)
Cuyahoga Heights, Ohio.)

ENTRY

The attorney examiner finds:

- (1) On October 28, 2008, the village of Cuyahoga Heights filed a request, pursuant to Section 4511.63, Revised Code, for an exemption for school buses and other vehicles from stopping at a grade crossing located at Grant Avenue (852-879P) in the village of Cuyahoga Heights, Cuyahoga County.
- (2) Commission staff should file a report of investigation on the exemption request by November 20, 2008.
- (3) The attorney examiner finds that, in order for the public to have an opportunity to comment on the exemption request, a local hearing should be scheduled. Accordingly, a public hearing on this matter should be held on December 3, 2008, at 1:30 p.m., at the Council Chambers, Cuyahoga Heights Village Hall, 4863 East 71st Street, Cuyahoga Heights, Ohio 44125.
- (4) The secretary of the Commission should cause publication of the following legal notice in a newspaper of general circulation in Cuyahoga County, Ohio once, not less than seven days prior to the scheduled hearing:

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled a public hearing on a request for an exemption from stopping for school buses and other motor vehicles at the Grant Avenue grade crossing (852-879P) in the village of Cuyahoga Heights, Ohio, Case No. 08-1193-RR-RCP. The purpose of the hearing will be to take public comment and receive evidence regarding the exemption request. The

hearing will be held on December 3, 2008, at 1:30 p.m., at the Council Chambers, Cuyahoga Heights Village Hall, 4863 East 71st Street, Cuyahoga Heights, Ohio 44125. For additional information regarding this matter, contact the Commission's Hotline at 1-800-686-7826. The hearing impaired can reach the Commission via TTY at 1-800-686-1570 or, in Columbus, at 466-8180.

- (5) Pursuant to Section 4511.63, Revised Code, the Commission shall authorize a limited period for the filing of comments by any interested person regarding the application. Therefore, any interested person may file comments on this exemption request by November 20, 2008.

It is, therefore,

ORDERED, That Commission staff file a report of investigation on the exemption request as set forth in Finding (2). It is, further,

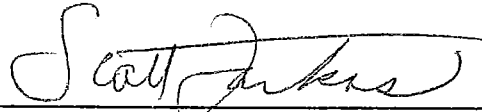
ORDERED, That a hearing be held in this case as set forth in Finding (3). It is, further,

ORDERED, That the secretary of the Commission cause publication of the legal notice in accordance with Finding (4). It is, further,

ORDERED, That comments on the exemption request be filed as set forth in Finding (5). It is, further,

ORDERED, That a copy of this entry be served by certified mail on the Newburgh & South Shore Railroad and its council, and by regular mail on the Newburgh & South Shore Railroad and its council, village of Cuyahoga Heights, the Ohio Petroleum Marketers Association, the Ohio Trucking Association, National Tank Truck Carriers, Inc., Ohio Department of Transportation District Office, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott Farkas
Attorney Examiner

WJK
/ct

Entered in the Journal

JUN 04 2008



Renee J. Jenkins
Secretary