

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: PETITION OF  
SOLAR BREAKERS LLC  
TO ESTABLISH PRIVATE  
RAIL CROSSINGS

Docket No. 5187

**MOTION TO AMEND PETITION TO ESTABLISH RAILROAD CROSSINGS**


Now comes the Petitioner, Solar Breakers LLC, and moves the Public Utilities Commission (the "Commission") to permit the amendment of its Petition to Establish Railroad Crossings and in support thereof states as follows:

1. The Petition filed by the Petitioner contained a statement that the Town of Middletown and the Town of Portsmouth had no objection to the rail crossings.
2. As detailed in its response to the Commission's Second Set of Data Requests, the Petitioner was unaware of any objection from either municipality both of which had submitted letters to the R.I. Department of Transportation acknowledging their awareness of the proposed crossings. A similar letter, also submitted to RIDOT in the same application, from the Department of the Navy, expressly included language stating that the Navy had no objection to the filings. The position articulated in the Navy's letter was inadvertently imputed to the Towns of Portsmouth and Middletown by Solar Breakers, LLC.
3. Subsequent to the filing of the Petition, the Town of Middletown made clear its objections and the amended Petition has been filed to correct the record in regard to the matter.
4. The Amended Petition removes the statement relative to such municipalities having no objection to the Petition.

Wherefore, the Petitioner requests that the Commission grant the Motion and allow the amendment to the Petition per the Amended Petition to Establish Railroad Crossings filed contemporaneously herewith.

**SOLAR BREAKERS LLC**

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