

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 22I-0471R

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IN THE MATTER OF THE REGIONAL TRANSPORTATION DISTRICT'S CORRECTIVE ACTION PLAN REGARDING THE SABLE BOULEVARD AND EXPOSITION AVENUE DERAILMENT, RULE 4 CCR 723-7-7347.

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**COMMISSION DECISION MODIFYING HIGHLY  
CONFIDENTIAL CLASSIFICATION OF CORRECTIVE  
ACTION PLAN**

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Mailed Date: November 23, 2022  
Adopted Date: November 23, 2022

**I. BY THE COMMISSION**

**A. Statement**

1. On November 4, 2022, the Regional Transportation District (RTD) filed their initial Corrective Action Plans (CAPs) in this proceeding, including CAP-1 and CAP-2, as highly confidential documents pursuant to Rule 7349(d)(III)(F and G), 4 *Code of Colorado Regulations*, 723-7. Through this Decision, the Commission modifies highly confidential classification of CAP-1 and CAP-2 filed in this proceeding.

**B. Findings and Conclusions**

2. Through Decision No. C22-0721, issued November 18, 2022, the Commission noted that RTD filed a copy of the confidential accident on November 4, 2022, which is currently under review by Staff of the Colorado Public Utilities Commission. The Commission further stated that RTD also filed as highly confidential in this investigation proceeding its proposed CAP1-09212022 and CAP2-09212022, which its Staff has started reviewing in relation to the

accident investigation report and will bring forth recommendations to the Commission in the coming weeks.

3. However, the Commission identified that there are two proposed items in CAP1-09212022 that need immediate attention by the Commission, and three remaining items in CAP1-09212022 for which Staff believes additional information needs to be provided by RTD for the Commission to understand what is being proposed. The Commission therefore made initial partial approvals through its Decision No. C22-0721.

4. Rule 7349(d)(IV) provides that accident investigation reports, CAP, and implementation schedule, be submitted under seal and filed with extraordinary protections under Commission Rule and § 40-18-104, C.R.S.. Unless modified by subsequent Commission decision, such extraordinary protections shall restrict access to the Commission, Administrative Law Judges, Commission Advisory staff, Commission Trial Staff, and legal counsel, under the provisions in rule and statute.

5. Upon review, the CAPs filed in this proceeding may be released to the public. While § 40-18-104, C.R.S. requires the investigative reports to be maintained as confidential, the CAPs provided in this proceeding contain summary and plan information that, if publicly accessible, will better enable review and discussion. We therefore find good cause to reclassify the CAP documents as public. CAP1 and CAP2 shall be reclassified as non-confidential documents.

6. The Commission shall address the merits of the currently filed CAPs and any further filings through future decision.

## II. ORDER

### A. The Commission Orders That:

1. The Corrective Action Plans (CAPs) filed as highly confidential in this proceeding are reclassified as non-confidential documents.
2. This Decision is effective on its Mailed Date.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners