

Decision No. R25-0742-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0332R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LONGMONT FOR AUTHORITY TO INSTALL CONCRETE SURFACING MATERIAL AND CONCRETE SIDEWALK FOR A DETACHED SIDEWALK AT TRACKS OWNED BY GREAT WESTERN RAILWAY OF COLORADO, LLC CROSSING COUNTY ROAD 26, USDOT NO. 849321F, IN WELD COUNTY, STATE OF COLORADO.

**INTERIM DECISION GRANTING REHEARING,
REARGUMENT, OR RECONSIDERATION,
ACKNOWLEDGING INTERVENTION BY RIGHT OF
TRIAL STAFF, VACATING DECISION NO. C25-0176, AND
REQUIRING FILING**

Issued Date: October 14, 2025

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. Procedural Background

1. On August 6, 2025, the City of Longmont (“Longmont”) filed an Application for an order authorizing the installation of concrete surfacing material and concrete sidewalk to connect a proposed detached walk along the north side of the County Road 26 crossing of the tracks owned by Great Western Railway of Colorado, LLC, at railroad milepost 4.7 of the Central division, Longmont subdivision, National Inventory No. 849321F, in Weld County, State of Colorado.

2. On August 15, 2025, the Colorado Public Utilities Commission (“Commission”) issued a Notice of Application Filed.

3. On September 22, 2025, Trial Staff of the Colorado Public Utilities Commission (“Trial Staff”) filed its Notice of Intervention as of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing (“Intervention”). In its Intervention, Trial Staff requested a hearing on this matter,

4. On October 1, 2025, this matter was referred to an Administrative Law Judge (“ALJ”) by minute entry.

5. On October 3, 2025, the Commission issued Decision No. C25-0716 (“Decision”), which deemed Longmont’s Application complete and granted the Application. The Decision included an adopted date of September 24, 2025. Decision No. C25-0716 also provided a 20-day period, pursuant to § 40-6-114, C.R.S., within which to file an application for rehearing, reargument, or reconsideration (“RRR”).

B. Application for Rehearing, Reargument, or Reconsideration

6. On October 7, 2025, Trial Staff filed its Application of Trial Staff for Rehearing, Reargument, or Reconsideration of Decision No. C25-0716 and Trial Staff’s Motion to Stay Decision No. C25-0716 (“RRR Application”).

7. In its RRR Application, Trial Staff argues that it timely filed its intervention of right and requests that the Commission (1) reconsider its Decision granting Longmont’s application to provide Trial Staff an opportunity to participate in this Proceeding, and (2) issue a stay of the Decision.

C. Legal Standard

8. Pursuant to Rule 1401(a) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1, parties that wish to intervene in a Commission proceeding must first file a notice of intervention within 30 days of the Commission’s notice.

9. Rule 1401(e) provides that Commission Staff may intervene of right in any Commission proceeding and must file its notice of intervention within seven days after the 30-day deadline prescribed to other intervening parties. However, pursuant to Rule 1203(a), when a deadline falls on a Saturday, Sunday, legal holiday, or any other day when the Commission's office is lawfully closed, the deadline is continued to 5:00 p.m. Mountain Time on the next business day.

10. Per Rule 1506(a), any party may file an application for RRR of any Commission decision. However, an application for RRR does not stay the Commission's decision unless the Commission orders a stay of the decision.

D. Analysis, Findings, and Conclusion

11. The ALJ finds that Trial Staff timely filed its intervention and request for hearing. Because Trial Staff's deadline to file an intervention by right fell on September 21, 2025 (a Sunday), the deadline was continued to September 22, 2025, at 5:00 p.m. and Trial Staff filed its Intervention prior to the expiration of this deadline. Accordingly, the ALJ acknowledges the Intervention by right of Trial Staff in this Proceeding.

12. In Decision No. C25-0716, the Commission concluded in error that "[n]o interventions were filed in this matter." Accordingly, Trial Staff's RRR Application requesting the Commission reconsider its Decision granting Longmont's Application should be granted to allow Trial Staff an opportunity to be heard. Decision No. C25-0716 will be vacated to allow further proceedings, rather than stayed.

13. Additionally, the ALJ orders that Longmont and Trial Staff confer to try and reach a consensus procedural schedule that includes a date for an evidentiary hearing. Longmont shall file the consensus procedural schedule by **October 29, 2025**. Based upon such filing, or the

absence thereof should the parties not reach a consensus, a procedural schedule or other procedural matters will be addressed by separate decision.

II. ORDER

It is Ordered That:

1. Trial Staff of the Colorado Public Utilities Commission's ("Trial Staff") Application of Trial Staff for Rehearing, Reargument, or Reconsideration of Decision No. C25-0716 and Trial Staff's Motion to Stay Decision No. C25-0716, filed October 7, 2025, is granted.

2. Trial Staff's Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing, filed on September 22, 2025, is acknowledged. Trial Staff shall be a party to this Proceeding.

3. Decision No. C25-0716 is vacated to allow further proceedings.

4. The parties to this Proceeding are ordered to confer on a consensus procedural schedule. Applicant, the City of Longmont, shall file a proposed procedural schedule to govern this Proceeding by **October 29, 2025**.

5. This Recommended Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director