

Decision No. C24-0226

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0089R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY TO INSTALL A FLASHING LIGHT FOR THE PROTECTION OF NON-MOTORIZED VEHICLES AND PEDESTRIANS USING THE DETACHED WALK AT THE NICKEL STREET CROSSING OF TRACKS OWNED BY BNSF RAILWAY COMPANY IN THE CITY AND COUNTY OF BROOMFIELD, COLORADO (DOT #089385S).

**COMMISSION DECISION GRANTING, IN PART,
AND DENYING, IN PART, MOTION FOR EXTENSION
OF TIME TO FILE APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION OF DECISION
NO. C24-0181 AND WAIVING RESPONSE TIME**

Mailed Date: April 10, 2024

Adopted Date: April 10, 2024

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of BNSF Railway Company's (BNSF) Unopposed Motion for Extension of Time to File Application for Rehearing, Reargument, or Reconsideration (RRR) of Commission Decision No. C24-0181, which BNSF filed on April 8, 2024.

2. By Decision No. C24-0181, issued March 20, 2024, the Commission denied BNSF's application in this Proceeding. BNSF had requested authority to install an additional off-quadrant flashing light at the crossing of Nickel Street with the tracks of the BNSF from what was already approved by Commission Decision No. C23-0383 in Proceeding No. 23A-0203R. Pursuant to § 40-6-114(1), C.R.S., parties are due to file any applications for RRR on or before April 9, 2024.

3. BNSF requests that the Commission extend the filing deadline for RRR from April 9, 2024, to April 23, 2024. BNSF states it has been working diligently to determine whether to exercise the option to file a RRR under the circumstances of this matter. BNSF states it has attempted to confer with resources and experts outside the company, who have not been available. BNSF states it requests this extension to have additional time to consult with such persons in order to make its decision regarding the potential filing of RRR. BNSF states the extension is unopposed by intervenor the City and County of Broomfield. BNSF represents that the extension will not delay any previously approved work at the crossing.

4. Given that BNSF's motion is unopposed and that the request is time sensitive, we waive remaining response time to the motion.

5. Section 40-6-114, C.R.S., sets forth the Commission's RRR process. After the Commission issues a final decision, parties have 20 days within which to file applications for RRR. § 40-6-114(1), C.R.S. This RRR deadline may be extended by the Commission at its discretion, so long as the motion for extension of time is received within that initial 20-day period. *Id.*

6. We find that BNSF has stated sufficient good cause in its motion to warrant a limited extension of time to file RRR; provided, however, we find the requested 14-day extension excessive and will instead grant an extension up to and including April 17, 2024. We typically only receive requests for these types of extensions where the movant claims the complicated nature of the underlying subject matter, the voluminous record, the lengthy decision, or other substantive considerations necessitate the extension. Accordingly, it is rare to receive a request such as this that simply states the movant requires more time to decide whether to file RRR. Nonetheless, we will grant this brief accommodation because the request is unopposed, and

we find credible BNSF's representations that it requires additional time to consult with experts on this matter.

II. ORDER

A. The Commission Orders That:

1. BNSF Railway Company's Unopposed Motion for Extension of Time to File Application for Rehearing, Reargument, or Reconsideration of Commission Decision No. C24-0181, filed on April 8, 2024, is granted, in part, and denied, in part, consistent with the discussion above.

2. Response time to the motion is waived.

3. The time period for any party to file an Application for Rehearing, Reargument, or Reconsideration of Commission Decision No. C24-0181 is extended to **April 17, 2024**.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 10, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners