

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-038R

THE MATTER OF THE APPLICATION OF WICKES LUMBER COMPANY, COLORADO,
FOR AN ORDER AUTHORIZING A VARIANCE FROM PUC REGULATIONS GOVERNING
SIDE CLEARANCES FROM CENTER OF TRACK TO A LOADING PLATFORM ON A SIDE
TRACK.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: April 11, 2003

Adopted Date: April 9, 2003

I. BY THE COMMISSION:

A. Statement

1. On January 22, 2003, Wickes Lumber Company, (Wickes), filed this application requesting a variance for side clearance to a loading platform at its unloading facility for lumber to be constructed at 704 S. Sierra Madre Street, Colorado Springs, Colorado.

2. On January 29, 2003, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. The Commission gave notice of this application together with a copy of the application to all interested parties in accordance with § 40-6-108(2), C.R.S. This Notice was mailed January 29, 2003.

4. On February 12, 2003, the Union Pacific Railroad Company (UPRR) filed its Entry of Appearance and Notice of Intervention.

5. No intervention was received in opposition to this application. The application is noncontested and unopposed.

6. The Commission has reviewed the record in this matter and deems that the application is now complete within the meaning of § 40-6-109.5, C.R.S.

7. The Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, of the Commission's Rules of Practice and Procedure, 4 Colorado Code of Regulations ("CCR") 723-1, because the application is noncontested and the Applicant did not request a public hearing.

B. Findings of Fact

8. Wickes leases property from UPRR at 704 S. Sierra Madre Street in Colorado Springs. Wickes proposes to construct a new unloading dock 6'3" from the centerline of the siding track. The Commission requires that the distance from the centerline of a track to a dock be 5'9" or 8'0" with no intermediate clearance permitted. The new dock will allow more than one rail car to be unloaded before the UPRR must move out the empty car and re-spot another car.

9. The purpose of this application is to secure Commission approval for a variance for side clearances at its rail car unloading facilities for lumber products. Wickes proposes to install a suitable sign in advance of the dock in accordance UPRR standards to warn of the non-standard clearance and to install a light to illuminate the sign.

10. All exhibits and plans are complete, accurate, and show the requested variance.

11. The public safety, convenience, and necessity require, and will be served by, the granting of this application.

C. Conclusions on Findings of Fact

12. The Commission has jurisdiction in this matter under § 40-4-106, C.R.S.

13. No intervention was received in opposition to this application. The application is noncontested and unopposed.

14. The Commission will determine this matter on the record, without a formal hearing, and deems this application complete under § 40-6-109(5), C.R.S. (1993), and Rule 24, of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

15. The public safety, convenience, and necessity require, and will be served by, the granting of this application.

II. ORDER:

A. The Commission Orders That:

1. Wickes Lumber Company is granted a variance for side clearance to a loading platform at its unloading facility for lumber to be constructed at 704 S. Sierra Madre Street, Colorado Springs, Colorado.

2. Wickes Lumber Company shall install a suitable sign in advance of the dock, in accordance railroad standards to warn of the non-standard clearance and shall install a light to illuminate the sign.

3. The construction authorized in Ordering Paragraph 1 and 2 above shall be in accordance with the plans, specifications, and exhibits submitted in this application and hereby approved.

4. The Commission retains jurisdiction to enter further required orders.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONER'S WEEKLY MEETING
APRIL 9, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners