

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-299R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO INSTALL NEW FLASHING LIGHT SIGNALS AND AUTOMATIC GATE
ARMS, AT THE CROSSING OF THE KYLE RAILROAD TRACKS AT US HIGHWAY 385
(8TH ST.), AND MARBLE AVE., AND UPGRADE CIRCUITRY AT 15TH ST., CITY OF
BURLINGTON, KIT CARSON COUNTY, COLORADO.

**COMMISSION ORDER DEEMING APPLICATION
COMPLETE AND REFERRING IT TO AN
ADMINISTRATIVE LAW JUDGE**

Mailed Date: October 8, 2004
Adopted Date: October 6, 2004

I. BY THE COMMISSION:

A. Statement

1. On June 3, 2004, the Colorado Department of Transportation (CDOT) filed an application requesting authority to upgrade the warning devices at the tracks of Kyle Railroad Company and US 385 in the City of Burlington, Colorado.

2. The Commission gave notice of this application to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed July 1, 2004.

3. No interventions were filed.

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

5. All exhibits, specifications and plans are complete, accurate and meet Commission requirements.

6. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), C.R.S.

7. The Commission now refers this application to an administrative law judge for determination of its merits, including the status of the final contract between the parties for construction and maintenance of the crossing.

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. This application is deemed complete within the meaning of § 40-6-109.5, C.R.S.
2. Docket No.04A-299R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: March 14, 2005
TIME: 3:00 PM
PLACE: Commission Hearing Room
Office Level 2 (OL2)
1580 Logan Street
Denver, Colorado

3. The assigned administrative law judge shall establish a procedural schedule for the filing of exhibit and witness lists and any pre-filed testimony.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 6, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners