

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-429R

IN THE MATTER OF THE APPLICATION OF UNION PACIFIC RAILROAD COMPANY,
FOR AUTHORITY TO CONSTRUCT AND RELOCATE TRACKS UNDER THE EXISTING
GRADE SEPARATION STRUCTURE AT INTERSTATE HIGHWAY I-76 (US DOT NO. 753
754S) IN THE COUNTY OF ADAMS, STATE OF 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 August 17, 2004, the Union Pacific Railroad Company filed an application requesting authority to relocate track and construct additional track under I-76 in Adam's County, 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 August 26, 2004.

3. On September 7, 2004, the Burlington Northern and Santa Fe Railway filed an Entry of Appearance and Notice of Intervention.

4. 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.

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-429R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: March 15, 2005
TIME: 9:00 AM
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