

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-310R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF
TRANSPORTATION FOR AUTHORITY TO DEMOLISH AND REPLACE THE EXISTING
GRADE SEPARATED INTERSTATE 25 VIADUCT OVER THE BURLINGTON NORTHERN
SANTA FE RAILROAD TRACK IN THE CITY OF TRINIDAD, LAS ANIMAS COUNTY,
STATE OF COLORADO.

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

Mailed Date: October 15, 2004

Adopted Date: October 14, 2004

I. BY THE COMMISSION:

A. Statement

1. On June 9, 2004, Colorado Department of Transportation filed an application requesting authority to demolish and replace the I-25 viaduct over the Burlington Northern and Santa Fe Railway Company tracks in the City of Trinidad, Colorado.

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

3. On July 16, 2004, the Burlington Northern and Santa Fe Railway filed an Entry of Appearance and Notice of Intervention.

4. On August 2, 2004, the City of Trinidad filed an Entry of Appearance and Notice of Intervention.

5. 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.

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

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

8. 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-310R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: March 22, 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 14, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners