

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-544R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LONGMONT, COLORADO,
FOR THE AUTHORITY TO UPGRADE THE CROSSING OF THE BURLINGTON
NORTHERN SANTA FE RAILROAD AND AIRPORT ROAD, IMMEDIATELY NORTH OF
9TH AVENUE, IN THE CITY OF LONGMONT, BOULDER COUNTY, COLORADO.

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

Mailed Date: December 9 2004
Adopted Date: December 7, 2004

I. BY THE COMMISSION:

A. Statement

1. On October 25, 2004, the City of Longmont filed an application requesting authority to widen Airport Road and upgrade the crossing at the tracks of the Burlington Northern and Santa Fe Railway (BNSF).

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 October 29, 2004.

3. On November 30, 2004, the BNSF 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 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. If the construction and maintenance contract is filed before the hearing date the hearing may be vacated.

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.04A0544R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: May 9, 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
December 7, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners