

Decision No. R04-0182

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 98A-345R

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IN THE MATTER OF THE APPLICATION OF RALSTON PURINA COMPANY FOR  
AUTHORITY TO CONSTRUCT A RAILROAD CROSSING, AND TO INSTALL STANDARD  
WARNING SIGNS AT SAID CROSSING ON AND ACROSS THE RACE STREET  
CULDESAC WEST OF NOW VACATED 45TH AVENUE IN DENVER COUNTY, STATE OF  
COLORADO.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
KEN F. KIRKPATRICK  
DISMISSING DOCKET**

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Mailed Date: February 20, 2004

**I. STATEMENT**

1. By Decision No. R04-0092-I, January 26, 2004, the Applicant Ralston Purina Company was given 14 days to clarify its intent to proceed with this application. That order noted that there had been no activity in the file since October 2, 1998.

2. Nothing has been filed in response to that order. Therefore the application should be dismissed without prejudice.

3. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

**II. ORDER**

**A. The Commission Orders That:**

1. Docket No. 98A-345R, being an application of Ralston Purina Company, is dismissed without prejudice.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

3. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

4. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge