

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-463R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF CASTLE ROCK,
4175 N. CASTLETON COURT, CASTLE ROCK, COLORADO 80109; FOR AUTHORITY
TO CONSTRUCT FRONT STREET AS A GRADE SEPARATION AT THE CROSSING OF
THE ROADWAY WITH THE UNION PACIFIC RAILROAD COMPANY; IN DOUGLAS
COUNTY, STATE OF COLORADO

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
SETTING HEARING**

Mailed Date: March 12, 2004

I. STATEMENT

1. By Decision No.R04-0148-I, February 10, 2004, this proceeding was bifurcated into two phases. The second phase, for which a hearing is set by this Order, involves cost allocation of the grade separation. A telephone conference was held on March 2, 2004 between the assigned Administrative Law Judge and all the parties to this proceeding. Hearing dates were selected which are set forth in the order below. In addition, certain procedural matters were discussed which are also set forth below.

2. One of the days reserved for hearing, September 16, 2004, will be available for an evening public comment hearing, if one is held. This Order is not setting such a hearing.

II. ORDER**A. It Is Ordered That:**

1. The hearing in this matter is scheduled as follows:

DATES: September 15 and 17, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, CO 80203

DATE: September 16, 2004

TIME: 9:00 a.m.

PLACE: Castle Rock Municipal Court
100 Perry Street
Castle Rock, CO 80104

2. The parties shall file an Initial Disclosure Statement by April 2, 2004. The disclosure statement shall generally follow the requirements of Rule 26(a)(1) of the Colorado Rules of Civil Procedure.

3. On or before April 16, 2004, the parties shall file, jointly if possible, a proposed discovery plan that sets forth the amount of discovery to be permitted and the timing of the discovery.

4. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge