

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

DOCKET NO. 03A-463R

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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

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
KEN F. KIRKPATRICK  
(1) GRANTING EXTENSION OF TIME; AND  
(2) ADOPTING DISCOVERY PLAN**

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Mailed Date: April 19, 2004

**I. STATEMENT**

1. On April 2, 2004, the Union Pacific Railroad Company (Union Pacific) filed its Motion for Extension of Time to File Decision on Crossing Closure. By this Motion, the Union Pacific notes that it had previously indicated in a telephone hearing that it would make a decision as to whether to file for closing of a crossing in connection with this application by April 2, 2004. The crossing closing would potentially be consolidated with this matter and is thus related to this proceeding.

2. No response to the Motion was filed.

3. In its Motion, Union Pacific notes that a settlement negotiation was conducted on March 25, 2004, and the Union Pacific has made a settlement offer to the Town of Castle Rock (Town). Town cannot reply to the offer due to the vacation schedule of two key persons. Union

Pacific wishes to wait until after the settlement discussions are concluded but no later than April 30, 2004 in which to file its decision on closure.

4. The commission encourages negotiated settlements to contested proceedings. Good grounds having been shown the motion should be granted.

5. Pursuant to Decision No. R04-259-I, March 12, 2004, the parties filed their Proposed Joint Discovery Plan on April 16, 2004. The proposal, including the request to hold off authorization for depositions until after testimony is filed, is reasonable and will be adopted with the following clarification. All testimony shall be filed in advance in question-and-answer format.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The Motion for Extension of Time to File Decision on Crossing Closure filed April 2, 2004 by Union Pacific Railroad Company is granted. The Union Pacific Railroad Company shall file either a closure application or a decision on closure no later than Friday April 30, 2004.

2. Town of Castle Rock shall file opening testimony, in question-and-answer format, by July 12, 2004. All other parties shall file their testimony, in question-and-answer format, by July 30, 2004. Town of Castle Rock shall file rebuttal testimony, in question-and-answer format, by August 17, 2004.

3. Each party shall be limited to 30 written interrogatories, including subparts, and 30 requests for production of documents. Responses to such discovery shall be served within 20 calendar days of receipt. However, responses to discovery related to prefiled testimony and

exhibits/detailed witness statements and exhibits shall be served within ten calendar days of receipt. Discovery shall be served no later than August 31, 2004. No depositions are authorized at this time.

4. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge