

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-205R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF WINDSOR, COLORADO, A COLORADO HOME RULE MUNICIPALITY, FOR AN ORDER AUTHORIZING THE CONSTRUCTION OF A ROADWAY CROSSING OVER THE GREAT WESTERN RAILWAY TRACK AT THE INTERSECTION OF CROSSROADS BOULEVARD AND STATE HIGHWAY 257 IN THE TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
DEEMING APPLICATION COMPLETE;
SETTING HEARING AND ESTABLISHING
PROCEDURAL SCHEDULE**

Mailed Date: September 20, 2004

I. STATEMENT

1. The captioned application of the Town of Windsor, Colorado (Windsor) was filed with the Colorado Public Utilities Commission (Commission) on April 28, 2004.¹ On May 21, 2004, Windsor filed a Supplement to the application.

2. On May 24, 2004, the Commission issued its Notice of Application Filed (Notice) and on June 3, 2004, it issued an Errata Notice.

3. On July 2, 2004, OmniTRAX, Inc. and Great Western Railway of Colorado, LLC filed their Entry of Appearance and Notice of Intervention in this docket.

¹ Windsor has waived the time limits imposed by §§ 40-6-109.5(2) and (3), C.R.S., for processing the application.

4. On August 3, 2004, the Commission referred this matter to the undersigned administrative law judge by minute order.

5. In order to facilitate the processing of this application it is advisable to deem it complete and to set it for hearing.² In connection therewith, the deadlines for the submission of witness lists and exhibits set forth in the Notice and Errata Notice may be disregarded and the procedural schedule adopted by the Order that follows will apply to this proceeding.

6. Notwithstanding the above, this application may be eligible for processing under the Commission's modified, no-hearing procedure in the event it becomes uncontested (either through a stipulated agreement by the parties resolving all material issues or otherwise) prior to hearing. See, § 40-6-109(5), C.R.S., and 4 *Code of Colorado Regulations* 723-1-24.

II. ORDER

A. It Is Ordered That:

1. The captioned application of the Town of Windsor, Colorado, is deemed complete as of the effective date of this Order.

2. The hearing of this matter is scheduled as follows:

DATE: December 15, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

² At present, the Commission's file in this matter does not contain an agreement between Windsor and Great Western covering the construction, operation, and maintenance of the proposed crossing as required by 4 *Code of Colorado Regulations* 723-1-51(d)(1). It is anticipated that any stipulation between the parties designed to resolve this matter will include such an agreement. In the absence of such a stipulation, these issues will be resolved at hearing.

3. The Town of Windsor shall file three copies of its list of witnesses and exhibits and shall serve all other parties and the Commission's Staff with a copy of the same on or before November 24, 2004.

4. OmniTRAX, Inc. and Great Western Railway of Colorado, LLC shall file three copies of their list of witnesses and exhibits and shall serve all other parties and the Commission's Staff with a copy of the same on or before December 6, 2004.

5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge