

Decision No. R04-1239-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-372R

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF CHAFFEE COUNTY, COLORADO, FOR THE AUTHORITY TO REINSTATE THE UNION PACIFIC RAILROAD COMPANY'S PRIVATE HIGHWAY-RAILROAD CROSSING LOCATED NEAR RAILROAD MILE MARKER 213.07 IN CHAFFEE COUNTY, COLORADO.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION FOR
CONTINUANCE AND
RE-SCHEDULING HEARING**

Mailed Date: October 21, 2004

I. STATEMENT

1. The captioned proceeding is currently set for hearing on December 21, 2004. *See*, Decision No. R04-1109-I.

2. On October 1, 2004, the Union Pacific Railroad Company (UP) filed a Motion to Reset Hearing Date (Motion). In support thereof, UP indicates that its primary witness will be unavailable on the current hearing date. It requests that the hearing be re-scheduled to the second week in January 2005.

3. Responses to the Motion were due on October 15, 2004, but none were filed. *See*, Rule 22(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1-22(b). Therefore, the Motion is unopposed.

4. Good grounds having been shown, the Motion will be granted. The hearing will be re-scheduled for January 10, 2004, and the procedural schedule previously established by Decision No. R04-1109-I will be modified as set forth in the Order that follows.

II. ORDER

A. It Is Ordered That:

1. The hearing of this matter scheduled for December 21, 2004, is vacated.
2. This matter is re-scheduled for hearing as follows:

DATE: January 10, 2005

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, Office Level 2
Denver, Colorado

3. The Board of County Commissioners of Chaffee County, Colorado 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 December 21, 2004.

4. The Union Pacific Railroad Company 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 30, 2004.

5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge