

Decision No. R04-1360-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-258R

IN THE MATTER OF THE TOWN OF WINTER PARK, FOR AUTHORITY TO INSTALL NEW FLASHING LIGHT SIGNALS, BELLS, AND AUTOMATIC GATE ARMS, AT THE CROSSING OF THE UNION PACIFIC RAILROAD AND TIMBER HOUSE ROAD, WINTER PARK, COLORADO.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
VACATING AND RE-SCHEDULING HEARING;
ESTABLISHING PROCEDURAL SCHEDULE; AND
SETTING PRE-HEARING CONFERENCE**

Mailed Date: November 18, 2004

I. STATEMENT

1. The captioned proceeding was commenced on May 21, 2004, when the Town of Winter Park, Colorado (Winter Park) filed an application requesting authority to upgrade the signals at the crossing of Timber House Road and the Union Pacific Railroad Company (UPRR) tracks.

2. The Colorado Public Utilities Commission (Commission) gave notice of the application to all interested parties, including adjacent property owners, in accordance with § 40-6-108(2), C.R.S., on June 4, 2004.

3. On June 18, 2004, the UPRR filed and Entry of Appearance and Notice of Intervention.

4. On October 8, 2004, the Commission deemed the application complete, assigned it to the undersigned administrative law judge (ALJ) for disposition, and set the matter for hearing on March 14, 2005. *See*, Decision No. C04-1171.

5. On October 26, 2004, the UPRR filed a Motion to Vacate the Hearing Date of March 14, 2005, and for an Order Setting a Status Conference (Motion). As grounds for the Motion, UPRR states that its counsel is unavailable for hearing between March 14 through 18, 2005. It requests that a pre-hearing conference be held in order to clarify the issues so that the parties have a clearer idea of how to proceed.

6. Winter Park did not respond to the Motion. Therefore, it is uncontested and will be granted.

7. Informal discussions between the ALJ and the parties' representatives reveal that they are available for a pre-hearing conference on January 19, 2005. Accordingly, such a conference will be scheduled on that date by the Order that follows. The pre-hearing conference will potentially deal with all issues contemplated by 4 *Code of Colorado Regulations* 723-1-79(b)(5). Parties are advised that they and their counsel may participate in the pre-hearing conference via telephone. Notice of their intent to do so should be provided to the ALJ in advance of the pre-hearing conference.

8. It is also appropriate to schedule a new hearing date at this time. Based on the information currently available to the ALJ, it appears that March 8, 2005, is a convenient date for all concerned. A procedural schedule for filing witness and exhibits lists in connection with the re-scheduled hearing will also be established as set forth in the Order below.

II. ORDER

A. It Is Ordered That:

1. The hearing of this matter currently scheduled for March 14, 2005, is vacated.

2. A pre-hearing conference is scheduled in this matter as follows:

DATE: January 19, 2005

TIME: 10:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

3. The hearing of this matter is re-scheduled as follows:

DATE: March 8, 2005

TIME: 10:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

4. The Town of Winter Park, Colorado, shall file three copies of its list of witnesses and exhibits and shall serve all other parties with a copy of the same on or before February 8, 2005.

5. The Union Pacific Railroad Company, shall file three copies of its list of witnesses and exhibits and shall serve all other parties with a copy of the same on or before February 22, 2005.

6. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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