

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 12M-128R

IN THE MATTER OF THE FILING OF ANNUAL REPORTS IN ACCORDANCE WITH
RULE 4 CCR 723-7-7006 BY RAILROADS, RAILROAD CORPORATIONS, OR CARRIERS
HOLDING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE
BY RAIL IN THE STATE OF COLORADO.

**COMMISSION ORDER
CONCERNING FILING OF YEAR 2011
ANNUAL REPORTS BY RAILROAD CARRIERS**

Mailed Date: February 17, 2012
Adopted Date: February 9, 2012

I. BY THE COMMISSION

A. Statement

1. In accordance with Rule 7006 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* 723-7, each railroad, railroad corporation, and holder of a Certificate of Public Convenience and Necessity to operate a rail (collectively, Railroad Carrier) over which the Commission has jurisdiction is required to file an annual report on or before April 30th for the preceding calendar year. Rule 7006 states that the annual report shall be filed on forms prescribed by the Commission, and requires that regulated utilities file any additional reports specified by the Commission.

2. This Order specifies the forms to be filed by Railroad Carriers for the 2011 reporting year. Each Railroad Carrier shall file its annual report in accordance with the requirements listed on Appendix A to this Order. The annual report forms may be found on the Commission's website at www.dora.state.co.us/puc.

3. Each Railroad Carrier must also file a copy of their gross regulated intrastate operating revenues report, required by the Colorado Department of Revenue as Form DR 0525. This form may also be found on the Commission's website.

B. Conclusion

4. We find that each railroad, railroad corporation, and holder of a Certificate of Public Convenience and Necessity to operate by rail within the State of Colorado during calendar year 2011 shall file an annual report in the form prescribed here. Such reports shall be filed no later than April 30, 2012, in accordance with Rule 7006. Each filing Railroad Carrier shall also file a copy of Form DR 0525 with the Commission no later than April 30, 2012.

5. Each filing Railroad Carrier is required to identify the individual authorized to file on its behalf and designated as the Annual Report Contact. If no specific designation is made to the Commission, an officer of the railroad carrier will be considered as the Annual Report Contact for the purpose of this filing requirement. We note that, in accordance with § 40-7-106, C.R.S., every officer, agent, or employee of any public utility who violates or fails to comply with, or who aids or abets any violation by any public utility of, among other things, any order, decision, or rule of this Commission, commits a Class 2 Misdemeanor and may be subject to penalties, including without limitation, penalties set forth in § 18-1.3-501, C.R.S.

6. A Railroad Carrier subject to this Order may file a motion for extension of time to file its annual report with the Commission. The motion may be granted if good cause is shown as to why the Railroad Carrier is unable to comply with the April 30, 2012 deadline. Such motion shall not include a request for extension of time to file Form DR 0525. Motions for extension of time shall be referred to an Administrative Law Judge for disposition.

II. ORDER**A. The Commission Orders That:**

1. On or before April 30, 2012, each railroad, railroad corporation, and railroad carrier holding a Certificate of Public Convenience and Necessity to operate by rail in the State of Colorado during calendar year 2011, shall file an annual report in the form prescribed in this Order, and any additional reports as required by Appendix A to this Order.

2. Each filing entity shall also file a copy of the Colorado Department of Revenue Form DR 0525 no later than April 30, 2012. Entities may not request an extension of time to file Form DR 0525.

3. This matter is referred to an Administrative Law Judge for disposition of all motions and pleadings.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 9, 2012.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

JAMES K. TARPEY

MATT BAKER

Commissioners

MUST FILE R-1 AND COLORADO SUPPLEMENT AND DR0525

BNSF Railway Corporation
Union Pacific Railroad Company

MUST FILE CLASS II & III RAILROAD ANNUAL REPORT FORM AND DR0525

Cimarron Valley Railroad L C
Colorado & Wyoming Railway Company
Cripple Creek & Victor Narrow Gauge Railroad
Cumbres & Toltec Scenic Railroad
Denver & Rio Grande Railway Historical Foundation
Denver Rock Island Railroad Company
Durango & Silverton Narrow Gauge Railroad Company
Georgetown Loop Historic Railroad
Great Western Railway Company
Kansas and Oklahoma Railroad
Kyle Railroad Company
Leadville, Colorado & Southern Railroad Company
Leadville-Climax Shortline Railway Company
Manitou & Pike's Peak Railroad Company
Nebraska, Kansas, Colorado Railroad
Platte Valley Trolley (Denver Rail Heritage Society)
Rock & Rail, Inc.
Canon City Royal Gorge Railroad
RTD Denver Union Terminal Railway
San Luis & Rio Grande Railroad
San Luis Central Railroad Company
Titan Terminal Railway Company
V&S Railway LLC
Winter Park Ski Train (American Railway Explorer, Inc.)

The Annual Report is available in electronic form on the Colorado Public Utilities Commission's web site at:

<http://www.dora.state.co.us/puc/rail/RailForms.htm>

The Annual Report form has been revised. **Please do not use a prior year's version.**

The electronic version of the Annual Report includes formulas. Lines containing formulas are highlighted in yellow on the report. Those lines have been password protected; please do not attempt to enter numerical values on those lines. If you are completing the Annual Report manually, please continue to compute totals for each section.

Filing Deadline

Annual Reports shall be filed no later than **April 30, 2012**, for the reporting period ended December 31, 2011.

If you are not able to file the Annual Report by the April 30, 2012 deadline, you must file a Motion for an "Extension of Time to File" for a period not to exceed 30 days. The motion must state good cause why you are unable to meet the filing deadline. Any motion for extension of time shall be referred to an Administrative Law Judge for disposition. If granted, this extension of time **shall not apply** to the deadline for filing the copy of the DR 0525.

How to File the Annual Report

Please file with the Commission as follows:

Utilities are *strongly encouraged* to have one of its **designated filers submit an executable electronic copy (e.g., in Excel)** in the appropriate proceeding number (12M-128R) via the **Commission's E-Filings system at:**

<https://www.dora.state.co.us/pls/efi/EFI.homepage>.

To file electronically, each regulated utility must have at least one Filer Administrator. If your utility is currently not set up to file through E-Filings, contact:

Alison Torvik at alison.torvik@dora.state.co.us or (303) 894-2885; or
Cheryl Fisher at cheryl.fisher@dora.state.co.us or (303) 894-2040.

Once logged into the E-Filings system, file the document in an existing proceeding (12M-128R) and select the *document type* "Annual Report." After uploading the document, in the *title* field insert the utility's name and "2011 Annual Report" (e.g., "Utility Name_2011 Annual Report"). The *document type* is "Annual Report." E-filing is a fast, efficient, and less costly way to submit filings to the Public Utilities Commission.

In the alternative, utilities may mail the signed original, one copy, and an executable electronic file on CD. Mail the hard copies and CD to the following address: Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202-5143.

Failure to file the annual report with the Commission by April 30, 2012, may result in severe penalties, including possible revocation of the carrier's Certificate of Public Convenience and Necessity or Contract Carrier Permit.

Note: The Forms above are available on the PUC website at

www.dora.state.co.us/puc.

If any utility above does not have access to the Internet, please contact the Commission, and the Commission will provide the form in hard copy.