

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 11M-119R

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 2010
ANNUAL REPORTS BY RAILROAD CARRIERS**

Mailed Date: February 23, 2011
Adopted Date: February 17, 2011

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 carrier over which the Commission has jurisdiction is required to file an annual report on or before April 30 for the preceding calendar year. Rule 7006 states that the annual report shall be submitted 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 2010 reporting year. The railroad carriers shall submit their 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. All railroad carriers must also submit 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 railroad carrier holding a Certificate of Public Convenience and Necessity to operate by rail within the State of Colorado during calendar year 2010 shall file an annual report in the form prescribed here. Such reports shall be filed no later than April 30, 2011, in accordance with Rule 7006.

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 punished as provided 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, which may be granted if good cause is shown as to why it is unable to comply with the April 30, 2011 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, 2011, 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 2010 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. Railroad carriers shall also submit a copy of the Colorado Department of Revenue Form DR 0525 no later than April 30, 2011. 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 17, 2011.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JAMES K. TARPEY

MATT BAKER

Commissioners

CHAIRMAN RONALD J. BINZ ABSENT.