

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0624R

IN THE MATTER OF THE APPLICATION OF THE WEST MOUNTAIN METROPOLITAN DISTRICT AND THE TOWN OF FRASER FOR AUTHORITY TO CONSTRUCT A NEW HIGHWAY-RAIL GRADE SEPARATION AT THE PROPOSED CROSSING OF GRAND PARK DRIVE AND THE UNION PACIFIC RAILROAD COMPANY TRACKS IN FRASER, COLORADO AND ABOLISH THE AT-GRADE RAILROAD CROSSING AT KINGS CROSSING ROAD (DOT NO. 254-214U) IN WINTER PARK, COLORADO.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING PREHEARING CONFERENCE**

Mailed Date: August 20, 2014

I. STATEMENT

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On June 5, 2014, the West Mountain Metropolitan District (the District) and the Town of Fraser filed the above-captioned Application.

3. On June 20, 2014, the Commission gave public notice of the Application.

4. On July 11, 2014, Union Pacific Railroad Company filed an "Entry of Appearance and Notice of Intervention," which it amended by a filing made on July 14, 2014.

5. On July 15, 2014, the Town of Winter Park filed a "Motion to Intervene."

6. On July 17, 2014, Cornerstone Winter Park Holdings, LLC (Cornerstone) and Grand Park Development LLC (Grand Park) filed a "Motion to Intervene."

7. On July 30, 2014, the Commission deemed the Application complete.

8. On August 11, 2014, the Commission referred this matter for disposition to an administrative law judge (ALJ). Decision No. C14-0966-I. Among other matters, the Decision requires the ALJ to consider whether a public comment hearing should be held regarding the Application. *Id.* The Decision requests that, when determining whether Cornerstone and Grand Park's Motion to Intervene should be granted, the ALJ consider the fact that Clark Lipscomb is a member of the District's Board of Directors (and filed an affidavit with the Application), and is also listed as a contact person for Cornerstone and Grand Park.

9. For purposes of this Decision only, the ALJ is treating all entities who have filed interventions as parties.

10. In anticipation of the evidentiary hearing on the Application, the ALJ is scheduling a prehearing conference as permitted by Rule 1409 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. At the prehearing conference, a procedural schedule will be established, including dates for an evidentiary hearing and any other hearings as necessary.

11. The parties should be prepared to address the issues identified in ¶ 8 above. In addition, the parties should be prepared to discuss whether any legal briefing would be appropriate under the circumstances.

12. All parties are expected to appear in person at the prehearing conference.¹

13. The parties are advised and on notice that failure to appear at the prehearing conference may result in dismissal of the Application without prejudice, or an order denying interveners the ability to participate in this proceeding.

¹ The parties may appear through counsel.

II. ORDER

A. It Is Ordered That:

1. A prehearing conference in this proceeding is scheduled as follows:

DATE: September 2, 2014

TIME: 9:15 a.m.

PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

2. All parties will be held to advisements in this Decision.
3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director