

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
VACATING PROCEDURAL SCHEDULE**

Mailed Date: September 18, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

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

2. The Commission has referred this matter for disposition to an administrative law judge (ALJ). Decision No. C14-0966-I.

3. On June 5, 2014, the West Mountain Metropolitan District and the Town of Fraser (collectively, Applicants) filed the above-captioned Application, which it later amended by a filing made on September 5, 2014.

4. Union Pacific Railroad Company (Union Pacific) filed an “Entry of Appearance and Notice of Intervention,” which it amended by a filing made on July 14, 2014.

5. The Town of Winter Park, Cornerstone Winter Park Holdings, LLC, and Grand Park Development LLC filed Motions to Intervene. They were each dismissed as parties to this proceeding on September 15, 2014. Decision No. R14-1126-I.

6. The remaining parties are Applicants and Union Pacific.

7. A procedural schedule and hearing date have been scheduled. Decision No. R14-1066-I issued September 2, 2014.

8. Applicants' Amended Application was accepted on September 15, 2014. Decision No. R14-1126-I. At the same time, the ALJ ordered Applicants and Union Pacific to make a filing on or by September 19, 2014 indicating whether either of them request a hearing on the Amended Application.

9. On September 18, 2014, Applicants and Union Pacific made a joint filing indicating that they both waive an evidentiary hearing in this proceeding. Given this, the ALJ will vacate the procedural deadlines in Decision No. R14-1066-I.

10. The ALJ will preserve the hearing date until she has determined whether there are any outstanding questions which need to be addressed during a hearing. For example, the Amended Application references Exhibit E, but there is no Exhibit E attached to the Amended Application. Amended Application, ¶ 9. A thorough stipulation or settlement agreement between the parties may resolve such outstanding issues.

11. In any event, the ALJ will issue a separate decision informing the parties whether a hearing will be held to address any questions relating to the Amended Application.

II. ORDER

A. It Is Ordered That:

1. The procedural deadlines in Decision No. R14-1066-I are vacated. The hearing date set by that Decision is not affected.

2. 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