

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 HEARING**

Mailed Date: October 17, 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 issued August 11, 2014.

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 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. By Decision No. R14-1156-I, the ALJ vacated the procedural schedule set by Decision No. R14-1066-I, but did not vacate the hearing date.

8. On September 18, 2014, Applicants and Union Pacific made a joint filing indicating that they both waive an evidentiary hearing in this proceeding.

9. The ALJ has reviewed the record in this proceeding and has not identified issues which requiring an evidentiary hearing. In addition, given that Union Pacific and Applicants have waived the right to an evidentiary hearing, the ALJ will render a decision based on the record in this proceeding, without an evidentiary hearing. Any party objecting to this may make a filing so objecting, but must do so by October 27, 2014 at noon.

II. ORDER

A. It Is Ordered That:

1. The October 29, 2014 hearing scheduled in this proceeding is vacated.

2. The Administrative Law Judge will render a decision based on the record in this proceeding, without an evidentiary hearing. Any party objecting to this process shall make a filing stating their objection by October 27, 2014t 12:00 p.m.

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