

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-190R

IN THE MATTER OF THE APPLICATION OF THE AURARIA HIGHER EDUCATION CENTER FOR AN ORDER AUTHORIZING THE INSTALLATION OF A PEDESTRIAN CROSSING TO BE CONSTRUCTED IN THE RIGHT-OF-WAYS OF RTD AND UNION PACIFIC RAILROAD COMPANY (US DOT-AAR CROSSING I.D. NO. 253010E AT UPRR MILEPOST 1.2) IN CURTIS STREET, BETWEEN 5TH STREET AND 7TH STREET IN THE CITY AND COUNTY OF DENVER, COLORADO.

**ORDER AMENDING ORAL COMMISSION
DECISION PURSUANT TO § 40-6-112, C.R.S.**

Mailed Date: June 22, 2004
Adopted Date: June 16, 2004

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for reconsideration of an oral decision granting the Auraria Higher Education Center's application at issue in this matter. During the Commissioner's weekly meeting on June 8, 2004, we orally granted the application without considering two notices of intervention of right that were filed by the Regional Transportation District (RTD), and the Union Pacific Railroad Company that were not placed on the agenda.

2. RTD's intervention opposes granting this application until a formal agreement between the parties regarding construction of the crossing is finalized and filed with the Commission.

3. It is the Commission's understanding that a final agreement is close to being complete, and that it will soon be filed with the Commission.

4. Pursuant to § 40-6-112(1), C.R.S., the Commission may amend prior decisions, and such a decision shall have the same effect as an original decision. We believe that the interventions should have been considered, and that a final agreement on construction of the crossing should be filed pursuant to Commission Rule 4 *Code of Colorado Regulations* 723-1-51(d)(1). We therefore amend our oral decision to show that the application was not granted. We also amend our decision to show that consideration of this application was postponed until a future weekly meeting after the agreement has been finalized.

II. ORDER

A. The Commission Orders That:

1. Our oral decision at our weekly meeting on June 8, 2004 is amended to show that the Auraria Higher Education Center's application was not granted.

2. We also amend our oral decision at our weekly meeting on June 8, 2004 to show that this matter will be considered at a future weekly meeting after a final agreement has been filed with the Commission consistent with our discussion above.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 16, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER POLLY PAGE ABSENT.