

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-090R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF CASTLE ROCK, 4175 N. CASTLETON COURT, CASTLE ROCK, COLORADO, 80109; FOR AUTHORITY TO CONSTRUCT FIFTH STREET ROADWAY IMPROVEMENTS AT THE CROSSING OF THE ROADWAY WITH THE UNION PACIFIC RAILROAD COMPANY; IN DOUGLAS COUNTY, STATE OF COLORADO.

**COMMISSION ORDER DEEMING APPLICATION
COMPLETE AND REFERRING IT TO AN
ADMINISTRATIVE LAW JUDGE**

Mailed Date: October 8, 2004
Adopted Date: October 6, 2004

I. BY THE COMMISSION:

A. Statement

1. On March 1, 2004, the Town of Castle Rock filed an application requesting authority to widen Fifth Street at the crossing of the Union Pacific Railroad Company (UPRR) tracks.

2. The Commission gave notice of this application to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed March 30, 2004.

3. On April 28, 2004, UPRR filed an Entry of Appearance and Notice of Intervention.

4. On May 3, 2004, the Burlington Northern and Santa Fe Railway filed a motion for late intervention. The motion was granted on June 1, 2004 by Decision C04-0568

5. The Commission has reviewed the record in this matter and deems that the application is complete within the meaning of § 40-6-109.5, C.R.S.

6. All exhibits, specifications and plans are complete, accurate and meet Commission requirements.

7. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), C.R.S.

8. The Commission now refers this application to an administrative law judge for determination of its merits, including the status of the final contract between the parties for construction and maintenance of the crossing.

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. This application is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Docket No.04A-090R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: March 14, 2005

TIME: 9:00 AM

PLACE: Commission Hearing Room
Office Level 2 (OL2)
1580 Logan Street
Denver, Colorado

3. The assigned administrative law judge shall establish a procedural schedule for the filing of exhibit and witness lists and any pre-filed testimony.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 6, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners