

Decision No. C04-1169

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 (AHEC) 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.

**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 April 15, 2004, the Auraria Higher Education Center filed an application requesting authority to construct a pedestrian crossing on Curtis Street between 5th Street and 7th Street across the Union Pacific Railroad Company (UPRR) tracks and the Regional Transportation District (RTD) light rail 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 May 3, 2004.

3. On May 27, 2004 the UPRR filed an Entry of Appearance and Notice of Intervention.

4. On June 2, 2004, the RTD filed an Entry of Appearance and Notice of Intervention.

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-190R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: March 14, 2005
TIME: 11:00 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