

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-305R

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IN THE MATTER OF THE TOWN OF CASTLE ROCK FOR THE AUTHORITY TO  
INSTALL A GRADE SEPARATION STRUCTURE WHICH CARRIES THE UNION PACIFIC  
RAILWAY COMPANY RAILROAD TRACKS OVER LIGGETT ROAD, NEAR RAILROAD  
MILEPOST 31.50 MORE OR LESS, IN DOUGLAS COUNTY, COLORADO.

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

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Mailed Date: October 15, 2004

Adopted Date: October 14, 2004

**I. BY THE COMMISSION:**

**A. Statement**

1. On June 7, 2004, Town of Castle Rock filed an application requesting authority to construct a grade separation to carry the Union Pacific Railroad Company tracks over Liggett Road.

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

3. On July 20, 2004 Union Pacific Railroad Company filed an Entry of Appearance and Notice of Intervention.

4. On July 30, 2004, Burlington Northern and Santa Fe Railway 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 now 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-305R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: March 21, 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 14, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners