

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

DOCKET NO. 02A-008R

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IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER FOR  
AUTHORITY TO ESTABLISH A GRADE-SEPARATED PEDESTRIAN AND BICYCLE  
CROSSING OF THE RAILROAD LINE OWNED BY THE BURLINGTON NORTHERN &  
SANTA FE RAILWAY COMPANY ON HARVARD GULCH WEST IN THE CITY AND  
COUNTY OF DENVER, COLORADO.

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**COMMISSION ORDER GRANTING WITHDRAWAL OF  
APPLICATION**

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Mailed Date: December 9, 2004  
Adopted Date: December 1, 2004

**I. BY THE COMMISSION:**

**A. Statement**

1. On December 31, 2001 the City and County of Denver filed an application requesting authority to construct a grade-separated pedestrian and bicycle crossing at Harvard Gulch West and the Burlington Northern and Santa Fe Railway (BNSF) tracks.

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 January 9, 2002.

3. On January 9, 2002 the Staff of the Public Utilities Commission filed an Entry of Appearance and Notice of Intervention.

4. On January 16, 2002, the BNSF filed an Entry of Appearance and Notice of Intervention.

5. On November 24, 2004 the City and County of Denver filed a Notice of Withdrawal of the Application.

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

**II. ORDER**

**A. THE COMMISSION ORDERS THAT:**

1. This application is withdrawn and Docket No. 02A-008R is closed.
2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 1, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners