

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-592R

IN THE MATTER OF THE CRYSTAL VALLEY METROPOLITAN DISTRICT NO. 1, FOR
AUTHORITY TO CONSTRUCT NEW GRADE SEPARATION AT THE CROSSING OF THE
UNION PACIFIC RAILROAD TRACK AT CRYSTAL VALLEY PARKWAY OVER PLUM
CREEK, DOUGLAS COUNTY, COLORADO.

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

Mailed Date: December 23, 2004
Adopted Date: December 21, 2004

I. BY THE COMMISSION:

A. Statement

1. On November 12, 2004, the Crystal Valley Metropolitan District No.1 filed an application requesting authority to construct a new grade separation at the Union Pacific Railroad Company (UPRR) crossing at Crystal Valley Parkway over Plum Creek.

2. The Commission gave notice of this application together with a copy of the application, to all interested parties in accordance with § 40-6-108(2), C.R.S. The Notice was mailed November 16, 2004.

3. On December 13, 2004, the Staff of the Colorado Public Utilities Commission filed an Entry of Appearance and Notice of Intervention.

4. On December 15, 2004, UPRR filed an Entry of Appearance and Notice of Intervention and opposition to the application (no?).

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.

9. Apparently, this application was not originally contested. We expect the parties to try in good faith to settle their differences in an attempt to avoid litigation.

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-592R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: May 23, 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
December 21, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners