

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-020R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF
TRANSPORTATION FOR AUTHORITY TO MODIFY EXISTING FLASHING LIGHT
SIGNALS AND AUTOMATIC GATE ARMS AND TRAFFIC SIGNALS AT THE CROSSING
OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD TRACK AT
U.S. HIGHWAY 85 AND COUNTY ROAD 16, DOUGLAS COUNTY, COLORADO.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING UNOPPOSED MOTION,
RESCHEDULING PREHEARING
CONFERENCE, AND WAIVING RESPONSE TIME**

Mailed Date: May 21, 2004

I. STATEMENT

1. On January 9, 2004, the Colorado Department of Transportation filed an application for a Commission order authorizing installation of specified safety devices at the crossing of the Burlington Northern and Santa Fe Railroad track at U.S. Highway 85 and Douglas County Road 16, located in Douglas County Colorado (Application). Following public notice of the Application, the Burlington Northern and Santa Fe Railway Company, Staff of the Commission (Staff), and Douglas County intervened of right.

2. By Decision No. R04-0489-I, the undersigned Administrative Law Judge scheduled a prehearing conference in this matter for May 28, 2004.

3. On May 20, 2004, Staff filed an Unopposed Motion to Vacate Prehearing Conference Date and to Establish New Prehearing Conference Date (Motion). As grounds for the Motion, Staff states that both its counsel and its witness are unavailable on May 28, 2004, as

both are on extended absences from their respective offices. In addition, Staff represents that no party objects to the granting of the Motion.

4. The Motion is unopposed and states good cause. No party will be prejudiced by the granting of the Motion. The Motion will be granted, the May 28, 2004 prehearing conference will be vacated, and a prehearing conference will be scheduled for July 1, 2004. All parties are available for a prehearing conference on that date.

5. Decision No. R04-0489-I contained a listing of issues to be discussed at the prehearing conference and a directive that the parties confer prior to the prehearing conference. All provisions of that Order remain in effect except the prehearing conference date.

6. Staff also filed a Motion to Waive Response Time to the Motion. That motion will be granted, and response time for the Motion will be waived.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Vacate Prehearing Conference Date and to Establish New Prehearing Conference Date is granted.

2. The prehearing conference scheduled for May 28, 2004, is vacated.

3. A prehearing conference in this docket is scheduled as follows:

DATE: July 1, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

4. The parties shall follow the procedures, and be prepared to discuss the matters, set out in Decision No. R04-0489-I.

5. The Motion to Waive Response Time is granted.

6. Response time to the Unopposed Motion to Vacate Prehearing Conference Date and to Establish New Prehearing Conference Date is waived.

7. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge