

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-299R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO INSTALL NEW FLASHING LIGHT SIGNALS AND AUTOMATIC GATE
ARMS, AT THE CROSSING OF THE KYLE RAILROAD TRACKS AT US HIGHWAY 385
(8TH ST.), AND MARBLE AVE., AND UPGRADE CIRCUITRY AT 15TH ST., CITY OF
BURLINGTON, KIT CARSON COUNTY, COLORADO.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
ESTABLISHING PROCEDURAL SCHEDULE**

Mailed Date: December 2, 2004

I. STATEMENT

1. The captioned application of the Colorado Department of Transportation was filed with the Colorado Public Utilities Commission (Commission) on June 3, 2004.

2. On July 1, 2004, the Commission issued its Notice of Application Filed. No interventions have been filed in this matter.

3. On October 8, 2004, the Commission deemed this matter complete, set it for hearing on March 14, 2005, and referred it to the undersigned administrative law judge (ALJ) for further processing. *See*, Decision No. C04-1172. That decision directed that the ALJ establish a procedural schedule for the filing of exhibits and witness lists. Pursuant to that directive, the procedural schedule governing this matter is set forth in the Order that follows.

4. Notwithstanding the above, this application may be eligible for processing under the Commission's modified, no-hearing procedure in the event an agreement covering the construction, operation, and maintenance of the subject crossing as required by 4 *Code of*

Colorado Regulations (CCR) 723-1-51(d)(1) is filed. *See*, § 40-6-109(5), C.R.S., and 4 CCR 723-1-24. These issues will be resolved at hearing in the event such an agreement is not filed.

II. ORDER

A. It Is Ordered That:

1. The Colorado Department of Transportation shall file three copies of its list of witnesses and exhibits on or before March 1, 2005.
2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge