

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

PROCEEDING NO. 10A-409R

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IN THE MATTER OF THE CITY OF FOUNTAIN FOR AUTHORITY TO CREATE  
ALTERNATIVE AT-GRADE, ROADWAY RAILROAD CROSSINGS FOR DUCKWOOD  
ROAD AND TO CLOSE THE EXISTING MESA ROAD RAILROAD CROSSINGS.

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**COMMISSION DECISION GRANTING  
MOTION FOR EXTENSION OF TIME**

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Mailed Date: March 20, 2014  
Adopted Date: March 19, 2014

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of a Motion for Additional Extension of Time to File Interconnection and Construction/Maintenance Agreements (Motion) filed by the City of Fountain (Fountain) on February 27, 2014, requesting an extension of time of an additional 60 days to April 30, 2014 to file the interconnection and Construction and Maintenance Agreements required to be filed in this proceeding.

2. Fountain filed its first Motion for Extension of Time to File Interconnection and Construction/Maintenance Agreement on May 21, 2013, requesting an extension to September 16, 2013 to file with the Commission, the interconnection and Construction and Maintenance Agreements in this matter. The Commission granted this motion by Decision No. C13-0704 mailed June 14, 2013.

3. Fountain next filed a Motion for Additional Extension of Time to File Interconnection and Construction/Maintenance Agreements on September 17, 2013, requesting an extension of time of an additional 60 days to November 15, 2013 to file the interconnection

and Construction and Maintenance Agreements required to be filed. The Commission granted this motion by Decision No. C13-1278 mailed October 15, 2013.

4. As grounds for this third motion, Fountain states that it has been working diligently with the railroads to obtain the draft Construction and Maintenance Agreements since Spring of 2013, but has experienced lengthy delays in receiving drafts, apparently because of each railroad's internal personnel constraints. Fountain states that it has had a draft agreement from the Union Pacific Railroad Company (UPRR) as of mid-February which was lacking one exhibit. Fountain states that it is reviewing the draft and that necessary revision should be reviewed and negotiated with UPRR within the next few weeks. The Fountain City Council must still review and approve the Construction and Maintenance Agreement at one of the bi-monthly meetings.

5. Fountain also states that the BNSF Railway Company (BNSF) has not yet provided a draft Construction and Maintenance Agreement, but that BNSF has assured Fountain that it is in the process and that it will be fairly simple.

6. All other agreements between Fountain and the railroads are complete, and simply await Fountain City Council approval and execution. Fountain anticipates that it will obtain final approval and execution of all documents within the next 60 days.

7. No responses were filed to the Motion.

8. Now being fully advised in the matter, we grant the Motion.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Motion for Additional Extension of Time to File Interconnection and Construction/Maintenance Agreements filed by the City of Fountain on February 27, 2014,

requesting an extension of time to April 30, 2014 to file the interconnection and Construction and Maintenance Agreements required to be filed is granted.

2. The Commission retains jurisdiction to enter further decisions in this matter.
3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 19, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JOSHUA B. EPEL

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PAMELA J. PATTON

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GLENN A. VAAD

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Commissioners