

Decision No. C14-0543

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

PROCEEDING NO. 14A-0383R

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IN THE MATTER OF THE APPLICATION OF THE BNSF RAILWAY COMPANY FOR  
AUTHORITY TO CLOSE THE AT-GRADE CROSSING OF CR 83.1, DOT #003312T, IN  
HOEHNE, COLORADO.

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

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Mailed Date: May 23, 2014  
Adopted Date: May 21, 2014

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of a Motion for Extension of Time to Respond to Deficiency Notice Dated 5/5/14 (Motion) filed by the BNSF Railway Company (BNSF) on May 14, 2014, requesting an extension of time to May 22, 2014 to respond to the remaining issue outlined in the Deficiency Notice received by BNSF on May 5, 2014.

2. Staff of the Commission send a Deficiency Letter to BNSF on May 5, 2014 outlining that traffic volume information required by Commission Rule 4 *Code of Colorado Regulations* 723-7-7204(c)(VII) of the Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, was missing from the application and requesting additional information from BNSF regarding the Application.

3. BNSF provided the requested additional information on May 5, 2014.

4. As grounds for the Motion, BNSF states that it has not yet been able to gather the remaining information and that BNSF counsel is scheduled to be on vacation from May 14 through 19, 2014. BNSF believes it will be able to provide the remaining information by May 22, 2014.

5. Given that BNSF began to promptly address the missing information and additional information requested upon receiving the Deficiency Letter, we will grant the Motion and waive response time on our own motion.

## **II. ORDER**

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

1. The Motion for Extension of Time to Respond to Deficiency Notice Dated 5/5/14 (Motion) filed by BNSF Railway Company on May 13, 2014, requesting an extension of time to May 22, 2014 to file the remaining information required by the Deficiency Notice is granted.
2. The Commission waives response time to the Motion on its own motion.
3. The Commission retains jurisdiction to enter further decisions in this matter.
4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
May 22, 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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GLENN A. VAAD

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Commissioners

COMMISSIONER PAMELA J. PATTON  
ABSENT.