

Decision No. C14-1199

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0482R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LOUISVILLE, COLORADO FOR THE AUTHORITY TO CONSTRUCT A PEDESTRIAN/BICYCLE UNDERPASS CROSSING UNDER THE MAIN LINE OF THE BNSF RAILWAY AT MILEPOST 19.91 (DOT # PENDING) FRONT RANGE SUBDIVISION AT THE EXTENSION OF SOUTH STREET, CITY OF LOUISVILLE, BOULDER COUNTY, COLORADO.

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

Mailed Date: October 2, 2014
Adopted Date: October 1, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Second Extension of Time (Motion) filed by the City of Louisville (Louisville) on September 17, 2014 requesting an extension of time to January 1, 2015 to file a copy of the signed Construction and Maintenance Agreement.

2. Louisville previously filed a similar Motion for Extension of Time on July 18, 2014 to file the signed Construction and Maintenance Agreement in this matter, which was granted by the Commission by Decision No. C14-0957 mailed on August 8, 2014.

3. As grounds, Louisville states that it received a draft agreement from BNSF Railway Company (BNSF) on June 16, 2014, provided comments to BNSF, and is still awaiting a response from BNSF regarding Louisville's comments. Additionally, Louisville submitted final design plans for BNSF's review in early June 2014 to which Louisville is also

still waiting for a response from BNSF regarding the design submittal. Louisville anticipates that further discussion may be necessary before the agreement is finalized. Once the agreement is finalized, execution of the agreement must occur by Louisville at a City Council meeting, which meets the first and third Tuesday of each month. Given that Louisville is still awaiting response from its June 2014 submittals and comments, Louisville anticipates that the above tasks will need an additional 90 days, and requests an extension of time to January 1, 2015 file the signed Construction and Maintenance Agreement with the Commission.

4. Louisville conferred with BNSF's counsel regarding this Motion and BNSF has no objection to the filing of this Motion.

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

II. ORDER

A. The Commission Orders That:

1. The Motion for Second Extension of Time filed by the City of Louisville (Louisville) on September 17, 2014 is granted.

2. Louisville is granted to January 1, 2015 to file a copy of the signed Construction and Maintenance Agreement in this matter.

3. The Commission retains jurisdiction to enter further decisions as necessary.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 1, 2014.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners