

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0100R

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES REGULATING
RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL
CROSSINGS, 4 CODE OF COLORADO REGULATIONS 723-7.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: March 15, 2021
Adopted Date: March 3, 2021

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I. BY THE COMMISSION**A. Statement**

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking (NOPR) to amend the rules governing rail crossings comprising Rules 7001 through 7354 of the Commission's *Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 Code of Colorado Regulations (CCR) 723-7*. The Commission has statutory authority to adopt these rules under §§ 40-2-108, 40-4-106, 40-7-105, 40-9-108(2), 40-18-102, 40-18-103, 40-29-110, and 40-32-108, C.R.S. Among other updates and revisions, the Commission amends its rules to implement fining authority for noncompliance with rail crossing safety regulations as authorized in Senate Bill (SB) 19-236, effective May 30, 2019.

2. Through this NOPR, the Commission solicits comments from interested persons on the amendments proposed in this Decision and its attachments. Interested persons may file written comments including data, views, and arguments into this Proceeding for consideration. The Commission also welcomes submission of alternative proposed rules, including both consensus proposals joined by multiple rulemaking participants and individual proposals. Participants are encouraged to provide redlines of any specific proposed rule changes.

3. The Commission refers this matter to an Administrative Law Judge (ALJ) for a recommended decision. The ALJ will hold a hearing on the proposed rules at **9:00 p.m. on May 17, 2021**.

4. Written comments may be filed at any time in this Proceeding. Initial written comments are requested by **April 14, 2021**, and that any pre-filed comments responsive to the initial comments be submitted no later than **April 30, 2021**, so that they may be considered at the hearing conducted by the ALJ.

B. Background

5. SB 19-236 adds new subsection (b) to § 40-4-106(1), C.R.S., which provides:

If, pursuant to this subsection (1), the Commission issues an order or promulgates a rule requiring a railroad company to comply with railroad crossing safety regulations, the Commission may impose a civil penalty pursuant to article 7 of this title 40, in an amount not to exceed the maximum amount set forth in section 40-7-105(1), against a railroad company that fails to comply with the order or rule.

6. Section 40-7-105(1), C.R.S., states the following:

Any public utility which violates or fails to comply with any provision of the state constitution or of articles 1 to 7 of this title or which fails, omits, or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand, or requirement of the commission or any part or provision thereof, except an order for the payment of money, in a case in which a penalty has not been provided for such public utility, is subject to a penalty of not more than two thousand dollars for each offense.

7. Following the passage of SB 19-236, the Commission opened repository Proceeding No. 19M-0379R on July 16, 2019, to solicit input from stakeholders and other interested participants on what the Commission should include when it initiates a rulemaking to implement fining authority in its railroad rules. The Commission hosted pre-rulemaking half-day workshops on September 16, 2019 and September 17, 2019 to engage with stakeholders and other interested participants on the proposed rulemaking. The Commission also received numerous comments from both railroads and municipal entities pertaining to the proposed rulemaking.

8. Subsequent to opening its pre-rulemaking proceeding, several proceedings before the Commission presented cases of significant delay and noncompliance with Commission orders by certain railroad companies.¹ In these proceedings, the Commission determined that significant

¹ See, e.g., Proceeding Nos. 18A-0332R; 18A-0339R; 18A-0629R; 18A-0631R; 18A-0636R; 18A-0809R; 19A-0201R; 19A-0231R; 19A-0413R; 19A-0475R; 19A-0542R.

delay in complying with Commission decisions, including instances involving delay in filing a signed construction and maintenance agreement as required by Commission decision, would postpone upgrades and installations that were already approved and ordered to proceed by the Commission. The Commission concluded that failure to comply with these Commission orders constituted violations within the scope of § 40-4-106(1)(b), C.R.S. Citing its broad authority under § 40-4-106(2)(a), C.R.S., to prescribe terms and conditions of installation, operation, maintenance, and warning at public crossing to prevent accidents and promote public safety, the Commission concluded that its jurisdiction is squarely grounded in safety.

9. In these proceedings, the Commission noted that § 40-4-106(1)(b), C.R.S., as amended by SB 19-236, provides, if the Commission issues an order or promulgates a rule requiring a railroad company to comply with railroad crossing safety regulations, the Commission may impose a civil penalty against a railroad company that fails to comply with the order or rule. Pursuant to Rule 4 *Code of Colorado Regulations* 723-1-1302(b) of the Commission's Rules of Practice and Procedure, the Commission may impose a civil penalty, when provided by law. The Commission recognized that it had initiated a pre-rulemaking stakeholder engagement in Proceeding No. 19M-0379R to consider adopting rules specific to this new statutory authority. However, the Commission found it necessary to act in individual adjudications before rules could be adopted, and that § 40-4-106(1)(b), C.R.S., does not require that the Commission adopt rules in order to use the fining authority conferred in this statute. These proceedings were ultimately resolved without the Commission assessing a civil penalty.

10. The Commission has reviewed the numerous comments filed in its pre-rulemaking repository Proceeding No. 19M-0379R in addition to the filings in the adjudications that caused the Commission concern.

C. Discussion of Proposed Amendments

11. To best implement SB 19-236, we find it appropriate to open this rulemaking to consider rule changes that implement the General Assembly's directive that the Commission implement fining authority over railroad companies that fail to comply with Commission safety regulations. The Commission has authority to impose civil penalties under the authority vested by § 40-4-106(1)(b), C.R.S., without implementing rules; however, we anticipate a uniform process through rule considerations will best assist stakeholders in understanding Commission processes and ensure continued compliance with Commission orders with the intent and purpose that accidents may be prevented, and the safety of the public promoted, at crossings throughout the state.

12. While we are encouraged that the railroad companies ultimately complied with Commission orders in recent proceedings, we continue to be dismayed at the pattern of delay. The rule proposals in this NOPR aim to encourage ongoing compliance and avoid delay and unnecessary cost with the singular intent that railroad crossing safety is paramount in all Commission determinations under its jurisdiction.

13. In the discussion below we identify and explain the proposed rule change, provide analysis of the change, and, as applicable, pose questions for comment by rulemaking participants. The proposed changes are shown in Attachment A (redline) and Attachment B (clean) to this Decision.

1. Rule 7009. Definitions

14. In Rule 7009, we propose the following defined terms for use in these rules.

15. **Rule 7009(a) - “Civil penalty”** We propose this new definition to clarify that a “civil penalty” is a monetary penalty imposed by the Commission for failures to comply with a Commission order or rule, as authorized by § 40-4-106(1)(b), C.R.S.

16. **Rule 7009(b) - “Civil penalty assessment”** We propose this new definition to clarify that a “civil penalty assessment” is an act by the Commission that imposes a civil penalty.

17. **Rule 7009(c) - “Civil penalty assessment notice”** We propose this new definition to clarify that a “civil penalty assessment notice” is a written document whereby the Commission gives initial notice of an alleged failure to comply with a Commission order or rule and sets forth the proposed civil penalty amount.

2. Rule 7010. Civil Penalties

18. This rule establishes how the Commission will handle alleged violations of a Commission order or rule.

19. **Rule 7010(a)** - In Rule 7010(a), we propose the Commission has authority to impose a civil penalty against a railroad, railroad corporation, rail fixed guideway, or transit agency for failure to comply with a Commission order or rule, as authorized in § 40-4-106(1)(b), C.R.S. We propose this rule after receiving stakeholder feedback that violations of Commission orders and rules by these entities are widespread. We are concerned that these violations can lead to delays that impair local and municipal governing authorities from maintaining safe rail crossings. To promote safety for the traveling public, we propose this rule to encourage these entities engage in a constructive partnership with local and municipal governing authorities to timely build and maintain safe rail crossings.

20. **Rule 7010(b)** - In Rule 7010(b), we propose a framework for how the Commission will issue a civil penalty assessment notice for an alleged failure to comply with a Commission

order or rule. We propose the civil penalty assessment notice shall identify the alleged individual violation of a Commission order or rule, propose a penalty amount for each alleged violation, propose a percentage-based reduction of the penalty amount, and, where applicable, state the maximum amount of imposable penalty pursuant to § 24-34-108(2) C.R.S.

21. **Rule 7010(c)** - In Rule 7010(c), we propose procedures for adjudicating alleged individual violations leading to a civil penalty assessment notice. An entity may admit liability or contest the alleged violations identified in the civil penalty assessment notice. Alternatively, an entity may request a hearing before the Commission to contest alleged violations in the civil penalty assessment notice. We propose the evidentiary standard of a preponderance of the evidence demonstrating a violation and that the burden rests with the trial staff at the hearing. Consistent with processes in other Commission agency rules,² we propose this adjudicatory process will protect the due process rights of alleged violators of Commission rules or orders.

22. **Rule 7010(d)** - In Rule 7010(d), we propose procedures for assessing civil penalties after an admission or adjudicative finding of liability. Pursuant to § 40-7-105(1) C.R.S., the maximum civil penalty assessment is two thousand dollars. In accordance with § 40-7-105(2), every violation is considered a separate and distinct offense, and each day is deemed a separate and distinct offense. We propose these civil penalty rules to closely match the civil penalty rules for fixed utilities.

² See, e.g., §§ 40-7-116; 40-7-116.5, C.R.S. (detailing Commission standards for enforcement proceedings against public utilities and carriers); Rules 6017 and 6018, 4 CCR 723-6 (stating civil penalty rules related to transportation by motor vehicle).

3. Rule 7011. Violations, Civil Enforcement, and Civil Penalties

23. We propose that violations of Rules 7204, 7211, 7212, 7213, 7301, 7302, 7324, 7325, 7326, and 7402 may form the basis for a civil penalty assessment notice.

4. Rule 7202. Necessary Parties to Application Proceedings

24. This rule clarifies that any owner of a track at a railroad crossing be joined as a necessary party in an application proceeding before the Commission. We propose this joinder requirement for the sake of efficiency in the application process.

5. Rule 7204. Application Contents

25. This rule establishes new language that requires an entity to provide the road authority the cost estimate within the timeframe outlined in Rule 7212(e). The rule also clarifies that the schematic diagram of crossing warning devices include the “state sketch.” We propose these schematic diagrams be included with the applications of new active warning devices, replacement of existing active warning devices, or replacement of existing train detection circuitry at crossings.

6. Rule 7211. Crossing Construction and Maintenance

26. We propose amendments to this rule to ensure that delays pertaining to crossing construction and maintenance projects are limited. We propose these amendments to ensure that road authorities can best provide for the safety of the traveling public.

27. **Rule 7211(k)** - This rule clarifies that the Commission may determine what obstructions are to be removed from rail crossings. We propose this clarification to ensure reasonable safety measures are in place for rail crossings and that objects obstructing the view of the rail crossing are removed.

28. **Rule 7211(l)** - This rule establishes that a railroad, railroad corporation, rail fixed guideway, or transit agency shall be required to coordinate with the road authority when a maintenance or crossing construction project leads to the temporary closure of a highway-rail crossing or public pathway crossing. This rule responds to the concern raised by road authorities that local roadways can become closed without notice or coordination with the road authority. We propose this rule to ensure road authorities are informed and can provide adequate notice to the general public to ensure the safety of the affected crossing.

29. **Rule 7211(m)** - This rule requires that a railroad, railroad corporation, rail fixed guideway, or transit agency cannot not perform construction work at a highway-rail crossing or public pathway crossing prior to obtaining all required road authority permits and coordinating with the road authority to provide public notice of detours. We propose this rule to ensure that railroads obtain the necessary road authority permits and work with road authorities to provide public notice of detours for the period of time when the crossing is temporarily closed.

30. We propose this rule to ensure compliance with local and municipal permitting requirements and to ensure the safety of the traveling public. Road authorities raised the issue in the stakeholder process that, by closing roadways without any notice or permits, drivers have to turn around and find other ways to travel to their destination. We agree that this can create a safety issue where drivers are making maneuvers that are not normal and where other drivers may be unaware of the intent of the driver making an irregular traffic maneuver. We expect, if road authorities are informed ahead of a proposed closure, they can work with railroads to ensure appropriate permitting, public notice and signage to avoid these public safety threats. We solicit feedback from rulemaking participants on these concerns and whether this proposed rule adequately addresses those concerns.

31. **Rule 7211(n)** - This rule establishes that a railroad, railroad corporation, rail fixed guideway, or transit agency shall provide road authorities with the project construction support needed to timely construct and complete any highway-rail or public pathway crossing project. We propose this rule to respond to stakeholder concerns related to the construction of railroad projects, where road authorities stated that they cannot perform portions of construction projects because the appropriate railroad management and support is not provided when needed. The proposed rule addresses this issue by requiring railroad management and support to be provided to road authorities when needed.

32. **Rule 7211(o)** - This rule establishes that a railroad, railroad corporation, rail fixed guideway, or transit agency shall replace crossing surfaces within 90 days, starting from the date when a road authority informs the railroad, railroad corporation, rail fixed guideway, or transit agency that the crossing surface is in disrepair. We propose this rule to ensure that crossing surfaces remain in a condition that provides the public a safe crossing.

33. We propose this rule to address stakeholder concerns pertaining to the duration of time it currently takes to repair crossings. For example, on one crossing surface that was in disrepair on South Santa Fe Drive in Denver, vehicles routinely traveled over the crossing at 55 miles per hour for two years. This required the Colorado Department of Transportation to initiate temporary mitigation measures and post signage warning drivers of the unsafe crossing.

34. We propose this rule to address the general untimeliness of repairing or replacing crossing surfaces. We propose that 90 days is a sufficient time to replace the surfaces and allows time for ordering crossing surface planks and allowing the railroad to install the new panels or repair existing ones where possible. This rule also requires that railroads coordinate with road authorities to coordinate required closures, per Rule 7211(l).

35. **Rule 7211(p)** - This rule requires a railroad, railroad corporation, rail fixed guideway, or transit agency to obtain the Commission's authority prior to commencing construction of a new crossing or making any changes at a public crossing. We propose this rule after discovering that several public crossings have been opened, closed, or changed without Commission authority. This rule allows for the Commission to grant authority for construction projects while allowing the Commission to ensure that projects are completed in accordance with public safety measures.

36. We propose that relevant changes to a rail crossing include installing sidewalk panels, installing passive warning devices other than crossbucks, yield signs and emergency notification signs, installing active warning devices, changing crossing detection circuitry, interconnecting a crossing with a traffic signal or queue cutter signal, and adding or removing additional tracks.

37. We propose this rule to clarify the Commission's authority is needed before any new public crossing changes are made outside maintenance done in the ordinary course of business. We find this rule is necessary to avoid changes being made to rail crossings without the Commission reviewing the changes for safety concerns. Changes made outside of the ordinary course of business and without Commission authorization would subject the railroad, railroad corporation, rail fixed guideway, or transit agency to civil penalties under the updated rules. We propose this rule and potential for civil penalty to better ensure safety is reviewed and paramount to any changes made.

7. Rule 7212. Crossing Safety Diagnostics and Cost Estimates

38. We propose these amendments to ensure that delays pertaining to construction projects of rail crossings are minimized. These rules are intended to provide road authorities with

the ability to manage the impact of crossing safety projects and to promote safety for the traveling public.

39. **Rule 7212(a)** - We propose minor wording changes to ensure all parties agree for a need to request a crossing safety diagnostic.

40. **Rule 7212(c)** - This rule requires a road authority and Commission staff confer on the need for, and selection of, appropriate safety devices, the appropriate preemption operation and the timing of traffic control signals interconnected with highway-rail grade crossings adjoined to signalized highway intersections, and the appropriate exit gate operating mode and clearance times for rail crossings. We propose this rule to assist road authorities in making these decisions with the interest of public safety in mind.

41. **Rule 7212(d)** - This rule establishes that a railroad, railroad corporation, rail fixed guideway, or transit agency cannot require a road authority to accept the results of or pay for the preparation of any study or report not expressly requested by the road authority. We propose this rule to ensure that road authorities are not bound by railroad consultants who prepare traffic studies and then require the road authority to pay for such a study.

42. During the stakeholder process, Douglas County described how a railroad company hired a third-party traffic engineering consultant to provide review and comment on crossing improvement plans. We are concerned that road authorities can be forced to assume the cost of these third-party consultants as an unnecessary expense where they already employ qualified traffic engineering staff to perform the same assessments. We note that pre-rulemaking workshop participants expressed concern that third-party consultants may delay the commencement of safety improvement projects of rail crossings.

43. We propose this rule to clarify that railroads are not to perform any traffic studies or prepare these types of reports for road authorities unless expressly requested by the road authority, and road authorities are not required to pay for such studies unless expressly requested. We seek participant comment on further concerns and clarity in further updating this rule.

44. **Rule 7212(e)** - This rule establishes that a railroad, railroad corporation, rail fixed guideway, or transit agency shall provide a road authority with a cost estimate and schematic diagram no more than 90 days after a request by the road authority. The information included in the schematic diagram must include all information as set forth in Rule 7204(X)(D) and adhere to the specific configuration requested by the road authority.

45. During the stakeholder process, railroads proposed a generic schematic and estimate that is modified after Commission approval and after the railroad conducts the field survey for the project. We are concerned this may cause problems for road authorities when construction of a project commences and could lead to delays. Additionally, we are concerned, when railroads design something different from what is applied for by the road authorities as this could create safety issues that railroads then expect road authorities to resolve.

46. We propose this rule to resolve delays in rail crossing and crossing related projects moving forward. We find timely provision of accurate cost estimates based on an actual design of the crossing will help move projects toward timely completion.

47. **Rule 7212(f)** - This rule requires that a signed construction and maintenance agreement, or evidence of a signed intergovernmental agreement, shall be filed with the Commission within 90 days of the Commission's order authorizing the highway-rail crossing project, or within 30 days before the proposed start date for construction, whichever comes later.

48. We propose this rule to implement a timeline to ensure the timely commencement of a crossing project. The construction and maintenance agreement must be executed before the construction of a project begins. We find that delays in filing the construction and maintenance agreement may lead to delays in the commencement of projects that improve the safety of rail crossings. Under the rule, waiver of the timelines is permissible for good cause, where the burden of persuasion rests with the movant.

49. **Rule 7212(g)** - This rule proposes that a railroad, railroad corporation, rail fixed guideway, or transit agency shall be afforded up to 8 billable hours in scope for preemption calculation verification based on road authority-provided traffic signal timings, and to complete any necessary project review and railroad client report for at-grade highway-rail or pathway-rail grade crossing projects. A railroad, railroad corporation, rail fixed guideway, or transit agency may request an extension of the permitted time, with good cause shown. We anticipate that railroads setting reasonable limitations on the scope of work, subject to expansion for good cause, will assist in avoiding unnecessary cost and delay. Participants are encouraged to comment on whether these limitations are sufficient.

50. We propose this rule to limit the time and scope of the work that railroad consultants provide so as not to delay road authority projects, whereby such a delay can lead to public safety concerns. This rule also clarifies that road authorities need not redesign their projects to conform with railroad specifications when these conflict with what the road authority determines is needed for the safety of the traveling public.

51. **Rule 7212(h)** - This rule clarifies that a railroad, railroad corporation, rail fixed guideway, or transit agency may assess costs for new or revised easements but may not assess costs for existing easements at existing public highway or public pathway crossings. An easement

fee may be an unnecessary expense on the part of road authorities because these fees have already been paid for in existing easements. When additional area is needed for an existing easement, this area is fair for a revised assessment.

52. We propose this rule to clarify that payments for easements at existing crossings are prohibited and to ensure minimal delay in projects and construction and maintenance agreements from moving forward. A delay in moving forward with crossing projects and the execution of construction and maintenance agreements can lead to public safety issues.

53. **Rule 7212(i)** - This rule allows road authorities to file formal complaints with the Commission against railroads where the railroad delays have caused a loss of third-party funding for the completion of a highway-rail or pathway crossing project. These complaints must contain factual allegations of the cause of delay, state the amount of lost funding, and request that the Commission allocate the lost funding to the railroad, railroad corporation, rail fixed guideway, or transit agency, or otherwise institute appropriate relief, including but not limited to the imposition of a civil penalty assessment.

54. We propose this rule to prevent delays that cause the loss of funding and in turn delay projects from moving toward their completion. Such delays can constitute public safety threats. The loss of funding incurred by road authorities may then be assigned to the railroads.

8. Rule 7213. Minimum Crossing Safety Requirements

55. In Rule 7213(a), we propose an amendment that adds the requirement of posting an emergency notification sign on each side of the tracks with the crossbucks, yield sign, and number of tracks sign if necessary. We propose this amendment to ensure conformity with the Federal Railroad Administration's requirements, under the Rail Safety Improvement Act of 2008, that requires all crossings to have posted emergency notification signs on both sides of the crossing.

This provides the traveling public information about who to call in case of emergencies and how to identify in these calls where the emergency is occurring. This also ensures that specific crossing numbers are available to emergency responders, notifying them of the location where an emergency is occurring.

9. Rule 7301. Installation and Maintenance of Crossing Warning Devices

56. In Rule 7301(a), we propose a clarification that a railroad, railroad corporation, rail fixed guideway, rail fixed guideway system, or transit agency incurs the expense of installing and maintaining the good operating condition or good condition of passive and active crossing warning devices for the life of the crossing.

D. Findings and Conclusions

57. The Commission refers this matter to an ALJ for a recommended decision. The ALJ will hold a hearing on the proposed rules at the below-stated time and place. In addition to submitting written comments, participants will have opportunity to present comments orally at the hearing, unless the ALJ deems oral presentations unnecessary. The Commission will consider all comments submitted in this Proceeding, whether oral or written.

58. Throughout this Decision, we have endeavored to explain our proposed rule change in this NOPR, and to provide our reasoning for accepting or not accepting other suggestions at this time. The Commission's intent in these rules is to best ensure public safety through the Commission's rules, and consistent with the inclusions of rail fining authority set forth in SB 19-236, impose fines as necessary to further that cause. This rulemaking is intended to lead to further engagement with stakeholders on proposed rule changes with the ALJ and, if warranted, with the Commission following the ALJ's recommended decision. The Commission therefore encourages

continued robust participation from stakeholders including providing written and oral comments and with redlines of specific proposed rule changes.

59. The proposed rules in legislative (i.e., strikeout/underline) format (Attachment A) and final format (Attachment B) are available through the Commission’s Electronic Filings (E-Filings) system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0100R

II. ORDER

A. It Is Ordered That:

1. This Notice of Proposed Rulemaking (including Attachment A and Attachment B) attached hereto, shall be filed with the Colorado Secretary of State for publication in the March 25, 2021, edition of *The Colorado Register*.

2. This matter is referred to an Administrative Law Judge for the issuance of a recommended decision.

3. A remote hearing on the proposed rules and related matters shall be held as follows:

| | |
|----------|--|
| DATE | May 17, 2021 |
| TIME: | 9:00 a.m. until not later than 5:00 p.m. |
| WEBCAST: | Hearing Room A |
| PLACE: | Join by video conference using Zoom ³ |

PARTICIPATING BY COMPUTER (PREFERRED METHOD)⁴:

<https://zoom.us/j/94348647236?pwd=ZmE4QnFseGt1L2xKaVljTGdUdmdtZz09>

Meeting ID: 943 4864 7236
 Passcode: Er0m7V

³ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

⁴ If a participant is unable to participate by computer or mobile device, participation by telephone only will be accommodated. Dial +1 346 248 7799 US (or find an alternate local number at: <https://zoom.us/u/akdE1zebH>). Use Meeting ID: 943 4864 7236 and Passcode: 705574.

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

5. Interested persons may file written comments in this matter. The Commission requests that initial pre-filed comments be submitted no later than April 14, 2021, and that any pre-filed comments responsive to the initial comments be submitted no later than April 30, 2021. The Commission will consider all submissions, whether oral or written. The Commission prefers that comments be filed using its E-Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage>.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 3, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners