

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0067R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS FOR AUTHORITY TO INSTALL AN AT-GRADE HIGHWAY-RAIL CROSSING AT THE PROPOSED INTERSECTION OF GREENFIELDS DRIVE AND THE GREAT WESTERN RAILWAY (USDOT NO. 256551) BLACK HOLLOW RAIL LINE IN THE CITY OF FORT COLLINS, LARIMER COUNTY, STATE OF COLORADO.

**INTERIM DECISION
ADOPTING PROCEDURAL SCHEDULE, PROVIDING
INSTRUCTIONS CONCERNING EXHIBITS, AND
SCHEDULING EVIDENTIARY HEARING**

Issued Date: June 4, 2025

I. STATEMENT

1. On February 7, 2025, the City of Fort Collins (the “City” or “Applicant” or “Intervenor”) filed the above-captioned Application requesting authority to install an at-grade highway-rail crossing at the proposed intersection of Greenfields Drive and the Great Western Railway (USDOT No. 256551) Black Hollow Rail Line in the City of Fort Collins, Larimer County, State of Colorado (“Application”). With the Application, the City filed testimony in support of the Application.¹

2. Notice of the Application was provided by the Commission to all interested persons, firms and Corporations, on February 12, 2025.

¹ See Hr. Ex. 101-105, filed February 7, 2025.

3. On March 13, 2025, Great Western Railway of Colorado, L.L.C. (“Great Western Railway”) filed its Entry of Appearance and Notice of Intervention contesting and opposing the Application.²

4. By Decision No. C25-0229, issued March 26, 2025, the Commission deemed the Application complete, noted Great Western Railway’s intervention, and referred this matter to an administrative law judge (“ALJ”) for determination of the merits of the Application and to obtain additional information regarding information missing from the original Application.

II. FINDINGS AND CONCLUSIONS

A. Procedural Schedule

5. Through informal correspondence with the undersigned ALJ, counsel for Applicant advised that Applicant is available for hearing on August 25–26, 2025; September 3–4, 2025; and September 25–26, 2025. Counsel for Great Western Railway indicated that it is available for hearing on August 27–29, 2025, or September 2–4, 2025. Both parties agreed to a remote, two-day evidentiary hearing. Applicant further confirmed that it has waived the statutory 120-day deadline for a Commission decision.

² Intervention at p. 1.

6. Based on the Parties' input, the Commission's hearing calendar and the availability of the Commission's Staff and the undersigned ALJ, the following procedural schedule will be adopted:

| Procedural Event | Due Date(s) |
|---|----------------------------|
| Applicant's witness list and exhibits | July 7, 2025 |
| Intervenor's witness list and exhibits | August 11, 2025 |
| Remote Evidentiary Hearing | September 3-4, 2025 |

7. The proposed procedural schedule accommodates the availability of the parties, Commission Staff, and the undersigned ALJ, and further provides the parties with sufficient time to exchange their respective witness and exhibit lists in advance of the evidentiary hearing. The schedule will therefore be adopted, as ordered below. Should any party determine that a prehearing conference is necessary, one may be scheduled at a later date upon request, subject to the discretion of the undersigned ALJ.

B. Remote Evidentiary Hearing, Instructions Concerning Exhibits, and Unified Numbering System

8. Based on the parties' stated preference, the evidentiary hearing in this proceeding will be conducted remotely, with participation by videoconference. This Decision, along with Attachments A and B, sets forth important information and instructions necessary to facilitate the remote hearing, which all parties are required to follow.

9. Because the hearing will be conducted remotely by videoconference, all exhibits must be prepared and presented in electronic format.

10. The procedures established for the remote evidentiary hearing are designed to replicate, to the extent practicable, the presentation of evidence as it would occur during an in-

person hearing. For example, participation by videoconference allows parties and witnesses to view exhibits on screen while the exhibits are being offered into evidence and while witnesses are testifying about them.

11. The evidentiary hearing will be conducted via videoconference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and instructions for participating in the remote hearing. To minimize the potential for disruption by non-participants, the Zoom link and meeting ID or access code will be provided to the parties by email prior to the hearing. Parties and witnesses are prohibited from distributing that information to anyone not participating in the hearing.

12. Attachment B to this Decision outlines the procedures and requirements for marking and formatting exhibits to facilitate the efficient and orderly presentation of electronic evidence at the remote hearing. It is essential that the parties carefully review and fully comply with all requirements set forth in this Decision and in Attachments A and B to this Decision.

13. To ensure efficient organization and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Exhibit number blocks are assigned as follows:

- The City is assigned hearing exhibit numbers 100 to 199; and
- Great Western Railway is assigned hearing exhibit numbers 200 to 299.

C. Additional Procedural Notices and Advisements

14. The parties are hereby advised that the Administrative Law Judge retains the discretion to modify the method by which the hearing will be conducted.

15. Additional procedural requirements may be addressed in future interim decisions issued in this Proceeding.

16. The parties are further advised that this proceeding is governed by the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1. The undersigned ALJ expects the parties to comply with these rules. The rules are available on the Commission's website (<http://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

17. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

III. ORDER

A. It Is Ordered That:

1. No later than **July 7, 2025**, the City of Fort Collins shall file and serve: (a) a list that identifies the witnesses it intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits it will present at the hearing.

2. No later than **August 11, 2025**, Great Western Railway of Colorado, L.L.C. shall file and serve: (a) a list that identifies the witnesses it intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits it will present at the hearing.

3. An evidentiary hearing in this proceeding is scheduled as follows:

DATE: September 3-4, 2025

TIME: 9:00 a.m., daily

LOCATION: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado 80202

WEBCAST: Commission Hearing Room B

METHOD: Fully remote by videoconference using Zoom at the link to be provided to counsel and the parties via email prior to the hearing.³ No party should appear at the Commission in person.

4. The parties shall comply with all requirements set forth in this Decision, including those contained in Attachments A and B, which are incorporated herein by reference and discussed above.

5. In addition to the requirements set forth in the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony), all pre-filed exhibits shall be marked for identification and filed in accordance with this Decision and the procedures outlined in Attachment B hereto.

6. **Videoconference Participation.** Counsel for the parties, parties, and witnesses must participate in the evidentiary hearing by videoconference using the Zoom platform.

7. **Evidence Presentation at the Evidentiary Hearing.** Because the hearing will accommodate remote participation by videoconference, all evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) can download and view documents available from box.com during the hearing.

³ Instructions for using the Zoom videoconference platform are provided in Attachment A to this Decision.

8. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge