

**PROSECUTING ATTORNEY  
BENTON COUNTY, WASHINGTON**

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PROSECUTING ATTORNEY

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June 6, 2005

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JENNIFER L. JOHNSON  
JANA R. FRANKLIN  
HEATHER D. CZEBOTAR  
KRISTIN C. BOEHM  
NANETTE K. DOCKUM  
SARAH H. VILLANUEVA  
KATHLEEN B. FITZGERALD  
RONALD D. BOY\*

\* Rule 9 Intern

Clerk  
Washington Utilities and Transportation Commission  
Chandler Plaza Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Benton County v. Burlington Norther and Santa Fe Railway  
Company  
Docket No. TR-042083

Dear Clerk:

Enclosed for filing please find Benton County's original  
Notice of Appearance and Declaration Service of same.  
Additionally, please find a copy of the first page of each  
document. Please file/date-stamp the copies and return to our  
office in the enclosed, stamped and self-addressed envelope.

Thank you for your assistance.

Very truly yours,

ANDY MILLER  
Prosecuting Attorney

  
SHANNON C. SLAGHT  
Legal Secretary

Encl.  
cc: John Shurson  
Jonathan Thompson

RECEIVED  
05 JUN -9 AM 8:21  
OFFICE OF THE  
PROSECUTOR  
BENTON COUNTY  
WASHINGTON

RECEIVED  
RECORDS

05 JUN -9 AM 8:22

STATE OF WASHINGTON  
UTIL. AND TRANSP.  
COMMISSION

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

BENTON COUNTY, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 BURLINGTON NORTHERN AND )  
 SANTA FE RAILWAY COMPANY, )  
 )  
 Respondent. )

DOCKET NO. TR-042083

**NOTICE OF APPEARANCE**

- TO:** CLERK, Washington State Utilities and Transportation Commission;
- AND TO:** John C. Shurson, Burlington Northern Santa Fe; and
- AND TO:** Jonathan Thompson, Assistant Attorney General.

PLEASE TAKE NOTICE that Andy Miller, Benton County Prosecuting Attorney, hereby appears on the above entitled cause, by and through the undersigned Deputy Prosecuting Attorney on behalf of Petitioner Benton County, and pursuant to WAC 480-07-345(2), and requests that all further papers and pleadings herein, except original process, be served upon the undersigned attorneys at the address stated below.

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Dated this 6<sup>th</sup> day of June, 2005.

ANDY MILLER  
Prosecuting Attorney

By Kathleen B. Fitzgerald  
Kathleen B. Fitzgerald  
Deputy Prosecuting Attorney  
WSBA No. 30850  
Attorney for Petitioner Benton  
County

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RECORDS  
05 JUN -9 AM 8:21  
STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION  
COMMISSION

BEFORE THE STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

BENTON COUNTY,  
  
Petitioner,  
  
vs.  
  
BURLINGTON NORTHERN AND SANTA  
FE RAILWAY COMPANY,  
  
Respondent.

DOCKET NO. TR-042083

**DECLARATION OF SERVICE**

I, SHANNON C. SLAGHT, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein. That I, as a secretary in the office of the Benton County Prosecuting Attorney, caused to be deposited in the United States mail, with first-class postage prepaid thereon, a correct copy of the NOTICE OF APPEARANCE to the persons listed at their addresses below, on the 6<sup>th</sup> day of June, 2005.

Jonathan Thompson  
Assistant Attorney General  
P.O. Box 47250  
Olympia, WA 98504-7250

- X U.S. Regular Mail, Postage Prepaid
- Legal Messenger
- Overnight Express
- Facsimile
- Hand Delivery by \_\_\_\_\_

BENTON COUNTY PROSECUTING ATTORNEY  
7122 West Okanogan Place, Bldg. A  
Kennewick, Washington 99336  
(509) 735-3591

1 John C. Shurson  
2 Burlington Northern Santa Fe  
3 740 East Carnegie Drive  
4 San Bernardino, CA 92408

X U.S. Regular Mail, Postage Prepaid  
 Legal Messenger  
 Overnight Express  
 Facsimile  
 Hand Delivery by \_\_\_\_\_

5 I declare under penalty of perjury under the laws of the State of  
6 Washington that the foregoing is true and correct.

7 EXECUTED at Kennewick, Washington, this 6<sup>th</sup> day of June,  
8 2005.

9   
10 SHANNON C. SLAGHT