

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

WHATCOM COUNTY,	)	
	)	DOCKET NO. TR-011139
Petitioner,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
LAKE WHATCOM RAILWAY,	)	
	)	
Respondent.	)	
.....	)	

1     **Proceeding.** Docket No. TR-011139 is a petition filed by Whatcom County for modification of a grade crossing surface at South Bay Drive. The petition primarily addresses the allocation of costs for the project.

2     **Background.** The Commission scheduled a prehearing conference for February 5, 2002, to consider formulating the issues in this proceeding and to establish a procedural schedule. On February 4, 2002, Whatcom County filed a letter with the Commission requesting that the Prehearing Conference scheduled for February 5, 2002, be cancelled. Whatcom County explained that the parties were engaged in discussions to resolve the dispute. The Commission granted the request to cancel the prehearing conference and directed the parties to submit a status report on the progress of their negotiations by April 2, 2002.

3     On April 2, 2002, Whatcom County filed a letter informing the Commission that the parties had been successful in resolving the issues in dispute. Whatcom County requests Commission approval to withdraw its petition. Any work to be done on the crossing will not be of a character that would fall within the Commission's jurisdiction.

4     **Commission Discussion and Decision.** The Washington Utilities and Transportation Commission has jurisdiction over the parties and the subject matter of this proceeding. It is consistent with the public interest to dismiss the petition of Whatcom County.

**ORDER**

5     The request to withdraw the petition filed by Whatcom County is granted.

6     The petition is dismissed and this proceeding is terminated.

Dated at Olympia, Washington, and effective this \_\_\_th day of April, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

**NOTICE TO PARTIES: This is a final Order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).**