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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CITY OF FIFE,
Petitioner,
v.
UNION PACIFIC RAILROAD,
Respondent.

DOCKET TR-100098
PETITIONER CITY OF FIFE'S MOTION
TO WITHDRAW PETITION

1. Pursuant to WAC 480-07-380(3), City of Fife (the "City") hereby moves to withdraw its Petition filed in Docket TR-100098, without prejudice. For the reasons set forth below, withdrawal of the Petition is in the public interest.

2. On January 13, 2010, the City filed with the Washington Utilities and Transportation Commission ("UTC" or "Commission") a Petition to open a pedestrian-only at-grade crossing at 54th Avenue East in Fife. On February 12, 2010, Union Pacific Railroad ("UPRR") filed its opposition to the Petition.

3. After initially recommending approval of the Petition, UTC staff now recommends denial of the Petition. Exhibit No. _____ (KH-21T) (Rebuttal Testimony of Kathy Hunter).

4. Pursuant to Order 6, Order Granting Motion of Continuance, the evidentiary and

1 public hearings in this matter are scheduled for February 16, 2011.

2 5. Pursuant to WAC 480-07-380(3), when the Commission has set a matter for hearing, a
3 party may not withdraw from a proceeding without the Commission's permission. The Commission
4 will grant a party's motion to withdraw from a proceeding when the party's withdrawal is in the
5 public interest.

6 6. The City does not wish to pursue its Petition at this time in light of the opposition
7 from UPRR and UTC staff. It is in the public's interest to authorize withdrawal of the City's
8 Petition before the parties and the Commission incur significant time and expense of the evidentiary
9 and public hearings.

10 7. Counsel for the City has consulted with counsel for UPRR and UTC, and has been
11 advised that these parties do not oppose this motion to withdraw.

12 8. For the reasons set forth above, the City of Fife respectfully requests that the
13 Commission issue an order granting the City's Motion to Withdraw Petition in Docket TR-100098,
14 and dismiss this matter.

15 DATED this 17th day of February, 2011

17 VSI Law Group, PLLC

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19 By: 

20 Loren D. Combs, WSBA No. 7164
21 Attorneys for City of Fife
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