



THOMAS L. VERGE  
SKAGIT COUNTY  
PROSECUTING ATTORNEY

OFFICE OF THE  
SKAGIT COUNTY PROSECUTING ATTORNEY

605 SOUTH THIRD  
MOUNT VERNON, WA 98273  
PHONE (360) 336-9460  
FAX (360) 336-9347

March 10, 1999

Commission Secretary  
WUTC  
1300 S. Evergreen Park Drive SW  
PO Box 47250  
Olympia WA 98504-7250

RE: Skagit County v. Burlington Northern & Santa Fe Railway Co.  
Docket No. TR-980787

Dear Commission Secretary:

Enclosed is the Progress Report for filing in the above matter.

Yours sincerely,

JUDY L. KIESSER  
Staff Assistant

jlk

Enclosures

RECEIVED  
DEPARTMENT OF TRANSPORTATION  
99 MAR 12 AM 10:39  
STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

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 SKAGIT COUNTY  
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BEFORE THE WASHINGTON  
 UTILITIES AND TRANSPORTATION COMMISSION

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SKAGIT COUNTY, )  
 )  
 ) Petitioner, )  
 )  
 ) vs. )  
 )  
 ) BURLINGTON NORTHERN AND )  
 ) SANTE FE RAILWAY COMPANY, )  
 )  
 ) Respondent. )


DOCKET NO. TR-980787  
 PROGRESS REPORT

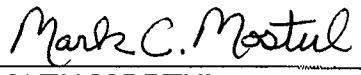
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 STATE OF WASH.  
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 COMMISSION

COME NOW the attorneys for the parties, above-named, and submit the following:

Negotiations between Skagit County Public Works Department and representatives of BNSF are ongoing. Skagit County is presently considering an offer made by representatives of BNSF to supply engineering design and inspection services doing construction, with Skagit County paying BNSF for the cost of their crews to construct the trestle, paying material costs, and obtain required permits. Skagit County expects to make a counteroffer.

DATED this 10<sup>th</sup> day of March, 1999.

SKAGIT COUNTY PROSECUTING  
 ATTORNEY  
 By:   
 PAUL H. REIKLY, Civil Litigator  
 WSBA #10709  
 Attorney for Petitioner

BURLINGTON NORTHERN AND  
 SANTE FE RAILWAY COMPANY  
 By:   
 MARK MOSTUL  
 WSBA #13257  
 Attorney for Respondent

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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

SKAGIT COUNTY,	)	
	)	DOCKET NO. TR-980787
	)	
Petitioner,	)	DECLARATION OF DELIVERY BY:
	)	
vs.	)	___ ABC/LMI
	)	<input checked="" type="checkbox"/> U.S. MAIL
BURLINGTON NORTHERN AND	)	___ FACSIMILE
SANTE FE RAILWAY COMPANY,	)	
	)	
Respondent.	)	

I, Judy L. Kiesser, 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 Skagit County Prosecuting Attorney, caused true and correct copies of the following documents to be delivered as set forth below:

Progress Report  
Declaration Of Mailing

and that I addressed said documents to the following:

Mr. Mark Mostul  
Kroschel Gibson Kinerk Reeve, LLP  
110 110th Avenue NE, Suite 607  
Bellevue, WA 98004

Mr. Robert Cedarbaum  
Assistant Attorney General  
1400 S. Evergreen Park Drive SW  
Olympia, WA 98504

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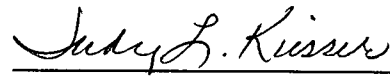
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and on the 10<sup>th</sup> day of March, 1999, deposited said documents so addressed as follows:

- [X] by first-class mail, with sufficient postage prepaid thereon, in the United States Mail, at Mount Vernon, Skagit County, Washington.
- [ ] sent for delivery by ABC-LEGAL MESSENGERS INC., at Mount Vernon, Skagit County, Washington.
- [ ] sent for delivery by facsimile to the offices of \_\_\_\_\_ (FAX Number: \_\_\_\_\_) and to the offices of \_\_\_\_\_ (FAX Number: \_\_\_\_\_).

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

EXECUTED at Mount Vernon, Washington, this 10<sup>th</sup> day of March, 1999.

  
\_\_\_\_\_  
Judy L. Kiesser