

[Service Date September 22, 2006]

September 22, 2006

**NOTICE OF SUBSTITUTION OF PRESIDING OFFICER**

**NOTICE CONCERNING TELEPHONIC PARTICIPATION AT  
PREHEARING CONFERENCE  
(Scheduled for October 16, 2006, at 1:30 p.m.)**

**NOTICE CONCERNING CROSS-EXAMINATION EXHIBITS  
(Due by October 9, 2006)**

**NOTICE CONCERNING WITNESS LISTS  
(Due by October 9, 2006)**

Re: *City of Kennewick v. Union Pacific Railroad, et al.*  
Dockets TR-040664 and TR-050967, consolidated

**TO ALL PARTIES OF RECORD:**

The Commission reassigned this matter to Administrative Law Judge Patricia Clark who will, hereafter, substitute as presiding officer for Administrative Law Judge Dennis Moss.

On September 20, 2006, Brandon L. Johnson, counsel for the Tri-City and Olympia Railroad (Tri-City), sent an e-mail to the Commission requesting permission to appear telephonically in the prehearing conference scheduled to convene on October 16, 2006. Mr. Johnson also requested guidance regarding the electronic submission of exhibits for use during the conference. Subsequently, other parties requested permission to appear telephonically at the conference. Judge Clark granted all requests to appear telephonically.

Any party may appear telephonically at the prehearing conference scheduled to convene at 1:30 p.m., October 16, 2006, by calling in to the Commission's conference bridge line, (360) 664-3846. Please dial in a few minutes prior to the prehearing conference.

One of the purposes of the conference is to mark exhibits that will be used during the hearing in this consolidated proceeding. To aid in the efficient and orderly conduct of the conference, each party must submit cross-examination exhibits electronically by e-mail to [records@wutc.wa.gov](mailto:records@wutc.wa.gov) by October 9, 2006, with an original and one (1) paper copy to the Commission by October 10, 2006. A copy of all cross-examination exhibits must be served on all other parties.

In addition, by October 9, 2006, each party must submit a list of witnesses in the order of their appearance. If any witness requires a special accommodation regarding the timing of the presentation of their testimony, that should be noted on the list of witnesses. A copy of the witness list must be served on all other parties.

If you have any questions concerning this notice, please contact me at (360) 664-1136, or at [pclark@wutc.wa.gov](mailto:pclark@wutc.wa.gov).

Sincerely,

PATRICIA CLARK  
Administrative Law Judge