

**PROSECUTING ATTORNEY
BENTON COUNTY, WASHINGTON**

ANDY MILLER
PROSECUTING ATTORNEY

RYAN K. BROWN
CHIEF DEPUTY, CIVIL

SCOTT W. JOHNSON
CHIEF DEPUTY, CRIMINAL

TERRY J. BLOOR
CHIEF CRIMINAL DEPUTY

MARGARET AULT
ADMINISTRATOR

7122 West Okanogan Place, Bldg. A
Kennewick, Washington 99336

(509) 735-3591

786-5608 736-3066
Prosser Fax

DEPUTIES

JULIE E. LONG
TAMARA A. TAYLOR
TIMOTHY A. SKEELS
ADRIENNE M. FARABEE
DAVID S. BROUSSARD
REA L. CULWELL
MATTHEW D. HARTMAN
ANITA PETRA
ALEX C. EKSTROM
JENNIFER L. JOHNSON
JANA R. FRANKLIN
HEATHER D. CZEBOTAR
KRISTIN C. BOEHM
NANETTE K. DOCKUM
SARAH H. VILLANUEVA
KATHLEEN B. FITZGERALD
RONALD D. BOY*

June 16, 2005

* Rule 9 Intern

VIA FACSIMILE AND U.S. MAIL

Ms. Carol Washburn
Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504

Re: *Benton County v. BNSF Railway Company*
Docket No. TR-042803 (Sagebrush Road)

Dear Ms. Washburn:

The above-entitled matter is scheduled for a pre-hearing conference on Tuesday, June 21, 2005, at 9:30 a.m. The parties have conferred and jointly request a continuance of the pre-hearing conference date to the week of July 25, 2005, with a special preference for a hearing date between July 27 through July 29, 2005.

The parties are requesting this continuance due to their ongoing negotiations. Benton County and BNSF Railway Company are considering railroad crossing improvements at multiple sites, including the Sagebrush Road crossing, and the parties are hopeful that these negotiations will conclude with a favorable resolution at all sites. A favorable resolution will negate the need for the pre-hearing conference in the above-entitled matter.

Thank you for considering this request for a continuance. I do look forward to hearing from you.

Sincerely,

Kathleen B. Fitzgerald
Attorney for Petitioner

KBF/kbf

cc: Mr. Robert E. Walkley (via facsimile and U.S. Mail)
Mr. Ross Dunfee (via e-mail)
Judge Dennis J. Moss (via e-mail)
Ms. Kippi Walker (via e-mail)