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September 12, 2007

Carole J. Washburn, Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: *BNSF Railway Company v. City of Mount Vernon*
Docket No. TR-070696

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket are the original and 12 copies of Commission Staff's Response to City of Mount Vernon's Motion for Summary Judgment Requiring New SEPA Determination by the WUTC, and Certificate of Service.

Sincerely,

JONATHAN C. THOMPSON
Assistant Attorney General

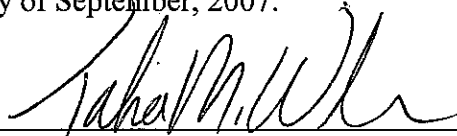
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Enclosures
cc: Parties



Docket No. TR-070696
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached document upon the persons and entities listed on the Service List below by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 12th day of September, 2007.



TALIA M. WILSON

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For Skagit County:

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For WSDOT—Freight Systems Division:

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