

May 13, 2009

Mr. David Danner, Secretary and Executive Director
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

Re: Docket No. TR-090121

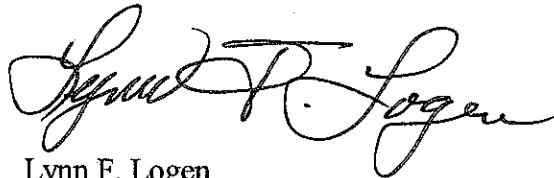
Dear Mr. Danner:

Pursuant to WAC 480-07-375(4) and WAC 480-07-145, in addition to submitting this request via email, enclosed are an original and twelve copies of *Lynn Logen's Opposition To The Petition of Petitioner BNSF's Request To File Supplemental Brief* ("Opposition to Supplemental Brief") in Docket No. TR-090121. This Opposition to Supplemental Brief has also been submitted by email to the Commission at records@wutc.wa.gov.

I certify that copies have been sent via electronic mail and U.S. Mail to the parties in this docket.

Please contact me at (425) 641-1692 for additional information about this Opposition to Supplemental Brief or any other questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lynn F. Logen", written in a cursive style.

Lynn F. Logen

Enclosures

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY,)	DOCKET NO. TR-090121
)	
Petitioner,)	LYNN LOGEN'S OPPOSITION TO THE
)	PETITION OF PETITIONER BNSF'S
vs.)	REQUEST TO FILE SUPPLEMENTAL
)	BRIEF
)	
SNOHOMISH COUNTY,)	
)	
Respondent.)	
)	

1 I, Lynn F. Logen respectfully requests that Petitioner BNSF's petition to file a
supplemental brief in this matter be denied.

2 The petition states the petitioner's interest as:

"The post-hearing brief filed by Lynn Logen dedicates part of its analysis to an
unforeseen argument, specifically that "The BNSF petition is ... improper because it
did not request relief under the provisions of RCW 81.53.020."" (BNSF Petition,
Page 2, Paragraph 1)

3 Petitioner BNSF stated, in support of a schedule for this Docket that was very
short or expedited, that "the expeditious nature would be in our interest." (Transcript,
Volume I, Page 25, Line 22). Now BNSF is asking to extend these proceedings.

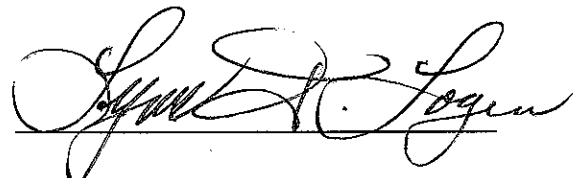
4 The schedule as set at the prehearing conference contemplated finalization of
this proceeding by mid-June 2009 and did not provide for rebuttal of post hearing
briefs. All parties agreed to the schedule.

5 BNSF's request to file a "supplemental brief" is essentially rebuttal of Lynn F.
Logen's post hearing brief. If one party is granted the opportunity to rebut in the form
of a "supplemental brief" then all parties should be granted equal opportunity
otherwise the proceeding will be flawed.

6 I, Lynn F. Logen respectfully requests that if the petition by Petitioner BNSF is
granted that all parties be granted the opportunity to file rebuttal (supplemental briefs)
to address issues in the other parties post hearing briefs that were not foreseen. In
addition, if the immediate petition is granted and other parties are also given the
opportunity to file rebuttal, I, Lynn F. Logen respectfully request that the date for
submitting such rebuttal be set no earlier than September 15, 2009, as I will be out of
the area for much of June and July.

7 I, Lynn F. Logen respectfully requests the petition to file "supplemental briefs"
be denied.

DATED this 13th day of May, 2009.

A handwritten signature in black ink, appearing to read "Lynn F. Logen", written over a horizontal line.

Lynn F. Logen