

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY,)	DOCKET NO. TR-010684
)	
Petitioner,)	SECOND SUPPLEMENTAL
)	ORDER; PREHEARING
v.)	CONFERENCE ORDER
)	
CITY OF SPRAGUE,)	
)	
Respondent.)	
.....)	

- 1 **Proceeding:** Docket No. TR-010684 involves a filing by Burlington Northern and Santa Fe Railway Company (BNSF) for permission to close an at-grade crossing in Sprague, Washington.

- 2 **Conference:** The Commission convened a prehearing conference in this docket at Olympia, Washington on March 26, 2002, before Administrative Law Judge Theodora M. Mace.

- 3 **Appearances.** Robert E. Walkley, Attorney, Sammamish, Washington, for BNSF. Sylvia Fox, Mayor, for the City of Sprague. Jonathan Thompson, Assistant Attorney General, for Commission staff. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order

- 4 **Petitions for Intervention.** No Petitions to Intervene were received by the Commission, either before or at the time of the Prehearing Conference.

- 5 **Protective order.** The parties indicated there was no need to ask the Commission to enter a protective order in this case.

- 6 **Discovery.** Parties desire to engage in discovery of information in the proceeding. The proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. The discovery rule is invoked.

- 7 **Issues.** The parties discussed the issues that they believe to be involved, and the possibility of stipulations as to certain facts. The parties were encouraged to continue discussions aimed at resolving issues, and were offered the assistance of the

Commission with mediation or analysis in a “settlement judge” setting of remaining issues in dispute.

8 **Hearing schedule.** The parties agreed upon the following schedule for the proceeding..

Second prehearing conference (telephonic) May 28, 2002 (9:30 a.m.)

Evidentiary hearing May 29, 2002 (9:30 a.m. – 5:30 p.m.)
May 30, 2002 (9:30 a.m. – 5:30 p.m.)
(If needed)

Public hearing May 29, 2002 (6:30 p.m. – 8:30 p.m.)

9 **Document preparation and process issues.** Parties must file an original and twelve copies of each document filed with the Commission. Appendix B states relevant Commission rules and other directions for the preparation and submission of evidence and for other process in this docket. Parties will be expected to comply with these provisions.

10 **Alternate dispute resolution.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.

Dated at Olympia, Washington, and effective this 30th day of April, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.