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4 **BEFORE THE WASHINGTON STATE**
5 **UTILITIES AND TRANSPORTATION COMMISSION**

6 BENTON COUNTY,

7 Petitioner,

8 v.

9 BNSF RAILWAY COMPANY,

10 Respondent.

DOCKET TR-100572
(Consolidated)

**JOINT MOTION FOR CONTINUANCE OF
PREHEARING CONFERENCE OF AUGUST
11, 2010, TO SEPTEMBER 27,
2010.**

12 BENTON COUNTY,

13 Petitioner,

14 v.

15 UNION PACIFIC RAILROAD,

16 Respondent.

DOCKETS TR-100573, TR-100574,
TR-10057 and TR-100576
(Consolidated)

**JOINT MOTION FOR CONTINUANCE
OF PREHEARING CONFERENCE OF
AUGUST 11, 2010, TO SEPTEMBER
27, 2010.**

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18
19 The Petitioner, Benton County, by and through its attorney,
20 Reid Hay, of the Benton County Prosecuting Attorney's Office, and
21 the Respondents, BNSF Railway Company, by and through its attorney,
22 Bradley P. Scarp, of Montgomery Scarp MacDougall, PLLC, and Union
23 Pacific Railroad Company, by and through its attorney, Carolyn
24 Larson, of Dunn Carney Allen Higgens & Tongue, LLP, and the
25 Washington Utilities and Transportation Commission, by and through
26 its attorney, Fronda Woods, Assistant Attorney General, hereby
27
28

JOINT MOTION FOR CONTINUANCE
OF PREHEARING CONFERENCE - 1

BENTON COUNTY PROSECUTING ATTORNEY
7122 West Okanogan Place, Bldg. A
Kennewick, Washington 99336
(509) 735-3591

1 stipulate to and request that the Commission enter an Order
2 continuing the Prehearing Conference currently scheduled for August
3 11, 2010, at 1:30 p.m., in Room 206, Second Floor, Richard Hemstad
4 Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
5 The parties request that the matter be continued to September 27,
6 2010, at a time convenient to the Administrative Law Judge. The
7 continuation is requested because there is an unresolved question
8 of ownership of the southern two proposed railway crossings, and
9 because the parties are in settlement negotiations and believe
10 that, with additional time, there is a high likelihood that an
11 agreement can and will be reached.
12

13
14 Dated this 9th day of August, 2010.

15
16 ANDY MILLER
17 Prosecuting Attorney

18
19 By: *Reid W. Hay*
20 REID W. HAY Deputy Prosecuting
21 Attorney
22 Attorneys for Benton County
23 WSBA No. 34584

24
25 MONTGOMERY SCARP MACDOUGALL, PLLC

26
27 By: *Bradley P. Scarp (with approval)*
28 BRADLEY P. SCARP
Attorney for BNSF Railway
WSBA No. 21453

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DUNN CARNEY ALLEN HIGGINS
& TONGUE LLP

By: *Kimly (with approval)*
CAROLYN LARSON
Attorney for Union Pacific Railroad
WSBA No. 29016

WASHINGTON STATE ATTORNEY
GENERAL'S OFFICE

By: *Kimly (with approval)*
FRONDA WOODS
Attorney for UTC
WSBA No. 18728

CERTIFICATE OF SERVICE

I certify that I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

Bradley P. Scarp
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2700 Seattle Tower
1218 Third Avenue
Seattle, WA 98101

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 Overnight Express
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X Email: Brad@montgomeryscarp.com

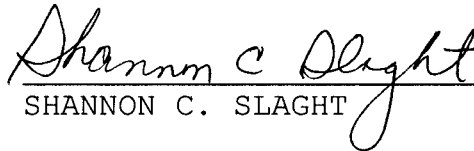
Carolyn Larson
DUNN CARNEY ALLEN HIGGINS & TONGUE
LLP
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Portland, OR 97204

X U.S. Regular Mail, Postage Prepaid
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Fronda Woods
Assistant Attorney General
1400 S. Evergreen Park Drive SW
P.O. Box 40128
Olympia, WA 98504-0128

X U.S. Regular Mail, Postage Prepaid
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 Overnight Express
 Facsimile
X Email: fwoods@utc.wa.gov

DATED this 10th day of August, 2010, at Kennewick, Washington.


SHANNON C. SLAGHT

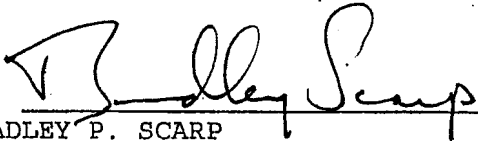
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17 Prosecuting Attorney

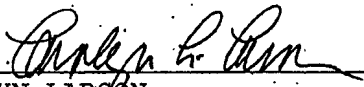
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19 By: _____
20 REID W. HAY, Deputy Prosecuting
21 Attorney
22 Attorneys for Benton County
23 WSBA No. 34584

24 MONTGOMERY SCARP MACDOUGALL, PLLC

25 By: 
26 BRADLEY P. SCARP
27 Attorney for BNSF Railway
28 WSBA No. 21453

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DUNN CARNEY ALLEN HIGGINS
& TONGUE LLP

By: 
CAROLYN LARSON
Attorney for Union Pacific Railroad
WSBA No. 29016

WASHINGTON STATE ATTORNEY
GENERAL'S OFFICE

By: _____
FRONDA WOODS
Attorney for UTC
WSBA No. 18728

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CAROLYN LARSON
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GENERAL'S OFFICE

By: *Fronda Woods*
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