

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

BNSF RAILWAY COMPANY,)	DOCKET TR-070696
)	
Petitioner,)	ORDER 04
)	
v.)	
)	ORDER GRANTING
CITY OF MOUNT VERNON,)	EXTENSION OF TIME TO FILE
)	PREFILED DIRECT TESTIMONY
Respondent.)	OF DAN MACDONALD
)	
.....)	

MEMORANDUM

- 1 **NATURE OF PROCEEDING:** Docket TR-070696 involves a petition by BNSF Railway Company, formerly known as Burlington Northern Santa Fe Railway Company (BNSF) to abandon and close to public use a railroad-highway grade crossing located at Hickox Road, Mount Vernon, Skagit County, WA (US DOT #084737D) in accordance with Revised Code of Washington (RCW) 81.53.060.

- 2 **MOTION FOR EXTENSION OF TIME:** On October 8, 2007, BNSF Railway Company filed a motion for a one-week continuance to October 15, 2007, to file prefiled testimony of Dan MacDonald. BNSF stated that they anticipated receiving Mr. MacDonald’s testimony on October 8, but learned later that day that Mr. MacDonald went out of town on business and was unable to get it to BNSF in time to file. BNSF further states the Mr. MacDonald’s testimony is important to BNSF’s case, for which the continuance is requested.

- 3 BNSF demonstrates good cause for the request under WAC 480-07-385(3)(c)¹ for a late-filed request for continuance. The company was not aware of the need for a continuance until the due date for filing testimony, and requested an extension on that day. Further, granting the extension will not cause a change in the overall procedural

¹ WAC 480-07-385(3)(c) states that the Commission may consider requests for continuance that are made after the deadlines stated in this rule if the requester demonstrates good cause that prevented a timely request.

schedule. In addition, BNSF states that it does not oppose an extension of time for all parties to file testimony responsive to Mr. MacDonald's testimony.

ORDER

4 THE COMMISSION ORDERS That the BNSF Railway Company's request for an extension of time to file the prefiled testimony of Dan MacDonald to October 15, 2007, is granted.

DATED at Olympia, Washington, and effective October 10, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.