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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

PUGET SOUND AND PACIFIC RAILROAD,

Petitioner,

v.

LEWIS COUNTY AND PORT OF CENTRALIA

Respondents.

Docket TR-110158

PETITIONER PUGET SOUND AND
PACIFIC RAILROAD'S MOTION TO
WITHDRAW PETITION

1. Pursuant to WAC 480-07-380(3), Puget Sound and Pacific Railroad ("PSAP") hereby moves to withdraw its Petition filed in TR-110158, without prejudice. For the reasons set forth below, withdrawal of the Petition is in the public interest.

2. On January 19, 2011, PSAP filed with the Washington Utilities and Transportation Commission ("UTC" or "Commission") a Petition to close the grade crossing at Foron Road in Lewis County, Washington.

3. On January 26, 2011, the Commission sent a letter to the City of Centralia, Lewis County, and Port of Centralia notifying them of the petition and requesting they respond with twenty days indicating whether they do or do not support the petition. Thereafter, the City of Centralia filed with the Commission a letter stating that the crossing is within the jurisdiction of Lewis County and on February 10, 2011 PSAP filed a revised petition correcting the location of the crossing/road authority from the City of Centralia to Lewis County.

1 4. The Port of Centralia has filed a letter with the Commission in support of
2 closure and Lewis County has filed a letter generally in support of the petition however,
3 expressing concern about County access on the alternative proposed crossing, Kuper
4 Road.

5 5. The PSAP has been working with Lewis County, the Port and the City of
6 Centralia to address the County's concerns and believes that an alternate proposal may
7 work for all parties. However, PSAP needs time to work with all parties in order to
8 attempt to make this alternative feasible.

9 6. Pursuant to WAC 480-07-380(3), when the Commission has issued a hearing
10 notice or otherwise commenced an adjudicative proceeding, a party may not withdraw
11 from a proceeding without the Commission's permission. The Commission will grant a
12 party's motion to withdraw from a proceeding when the party's withdrawal is in the public
13 interest.

14 7. PSAP does not wish to pursue its Petition at this time in light of fact that the
15 case is not ready for adjudication and the parties' time and effort can be better spent
16 working to resolve the issues around the alternative access route.

17 8. Counsel for PSAP has consulted with counsel for Lewis County, the Port of
18 Centralia and UTC, and has been advised that these parties do not oppose this motion to
19 withdraw. Counsel for Lewis County, however, has stated that the County prefers that the
20 UTC order the parties to participate in third party mediation of this matter.

21 9. For the reasons set for above, PSAP respectfully requests that the
22 Commission issue an order granting its Motion to Withdraw Petition in Docket TR-110158.
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DATED the 14th day of June, 2011

GLEAVES SWEARINGEN POTTER & SCOTT LLP

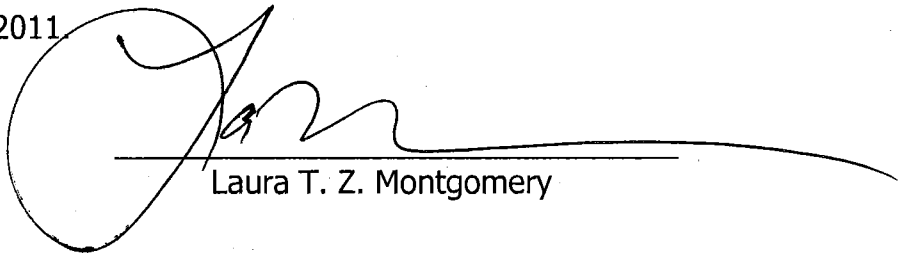
By: 

Laura T.Z. Montgomery, WSBA #33453
Of Attorneys for Petitioner Puget Sound
and Pacific Railroad

**Docket TR-110158
CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the aforementioned Motion of Puget Sound and Pacific Railroad to Withdraw Petition 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 and by sending them an e-mail copy of the same.

DATED 14th day of June, 2011



Laura T. Z. Montgomery

Lewis County

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