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

4 CITY OF SPOKANE VALLEY,

5 Petitioner,

6 v.

7 UNION PACIFIC RAILROAD,

8 Respondent.

DOCKET TR-111033

MOTION TO MODIFY PROCEDURAL
SCHEDULE

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11 The Respondent, Union Pacific Railroad (“UPRR”), by and through its attorney, Carolyn L.
12 Larson, of Dunn Carney Allen Higgins & Tongue LLP, hereby requests that the Commission modify the
13 Procedural Schedule in this matter by extending all deadlines by five weeks, as set forth in Appendix A.

14 This modification is requested for the following reasons:

15 (1) The City of Spokane Valley (the “City”) served a data request on UPRR on October 14,
16 2011. As the result of interim discussions among the parties, some of the data that the City has requested
17 is being revised and UPRR was unable to produce it by October 28, 2011. Even if UPRR is able to
18 produce the revised documents by November 4, 2011, as it expects it will be able to do, and to respond to
19 the City’s requests related to the revised documents within a reasonable time thereafter, the City will have
20 inadequate time to review the documents, and confer with UPRR or the Washington Utilities and
21 Transportation Commission regulatory staff (“UTC staff”) about any issues raised by the documents in
22 time to engage in any other needed discovery or prepare its direct testimony. The City anticipates it will
23 need until December 23, 2011, to prepare its testimony and file its exhibits.

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1 - MOTION TO MODIFY PROCEDURAL
SCHEDULE

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Attorneys at Law
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Portland, OR 97204-1357
Phone: 503.224.6440

1 (2) UPRR and the City believe the documents now being revised by UPRR may narrow or
2 resolve the issues in dispute. Extending the deadline for the City to file its direct testimony and exhibits
3 would allow additional time to pursue settlement.

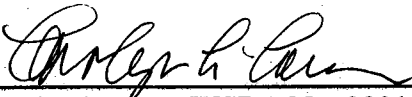
4 (3) If the deadline for the City's submittal is set back by five weeks, the parties believe the
5 other deadlines should be similarly extended.

6 UPRR has conferred with counsel for the City and the UTC staff about this motion. Neither has
7 any objection to this request.

8 DATED this 31st day of October, 2011.

9 Presented by:

10 DUNN CARNEY ALLEN HIGGINS &
11 TONGUE LLP

12 By: 
13 Carolyn Larson, WSBA No. 29016
14 Attorneys for Union Pacific Railroad

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**APPENDIX A
PROCEDURAL SCHEDULE
DOCKET TR-111033**

<u>EVENT</u>	<u>DATE</u>	<u>PROPOSED DATE</u>
City of Spokane Valley Prefiled Direct Testimony and Exhibits	November 18, 2011	December 23, 2011
Union Pacific Railroad and Commission Staff Prefiled Responsive Testimony and Exhibits	January 20, 2012	February 24, 2012
City of Spokane Valley Prefiled Rebuttal Testimony and Exhibits and Union Pacific Railroad and Commission Staff Prefiled Cross-Answering Testimony and Exhibits	February 24, 2012	March 30, 2012
Evidentiary Hearing	March 28, 2012	May 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION TO MODIFY PROCEDURAL SCHEDULE was served on:

Executive Director and Secretary
Washington Utilities & Transportation
Commission
1300 S. Evergreen Park Drive S.W.
PO Box 47250
Olympia, WA 98504-7250

- By hand delivery
By first-class mail*
By overnight mail
By facsimile transmission
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By e-mail: records@wutc.wa.gov

Honorable Marguerite E. Friedlander
Administrative Law Judge
Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Dr. SW
PO Box 47250
Olympia, WA 98504-7250

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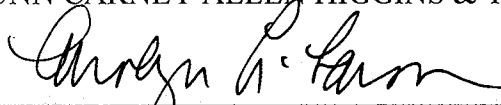
Attorneys for WUTC Staff

*With first-class postage prepaid and deposited in Portland, Oregon.

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1 DATED this 31st day of October, 2011.

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3 DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

4 

5 Carolyn L. Larson
6 WSBA No. 18728

7 Attorneys for Respondent, Union Pacific Railroad
8 Company