

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment  
against BNSF Railway Co.  
In the Amount of \$105,000

DOCKET TR-121921

REPLY OF COMMISSION STAFF  
TO BNSF RAILWAY  
COMPANY'S RESPONSE TO  
PENALTY ASSESSMENT AND  
REQUEST FOR HEARING AND  
PRE-HEARING SETTLEMENT  
CONFERENCE

1           The Commission Staff (Staff) submits this filing in response to BNSF Railway Company's (BNSF) Response to Penalty Assessment and Request for Hearing and Pre-Hearing Settlement Conference.

2           In the response portion of its pleading, BNSF addresses the merits of the penalty assessment issued by the Commission. Staff will present its case in the usual course of this proceeding, if necessary, but will not address the Company's position in advance in this pleading.

3           Turning to the Request for Hearing and Pre-Hearing Conference portion of BNSF's pleading, Staff agrees with the Company's proposal to set a settlement conference sufficiently in advance of the hearing date to allow the parties time to try to negotiate a mutually agreeable settlement of this matter. To that end, Staff requests the Commission schedule a brief telephonic scheduling conference to set those dates.

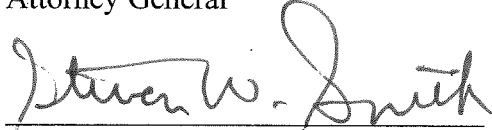
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DATED this 22nd day of March, 2013.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

A handwritten signature in black ink that reads "Steven W. Smith". The signature is written in a cursive style with a large, looping initial "S".

Steven W. Smith  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission Staff