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Lesley J. Fleming

Of Counsel:
Robert E. Walkley*
*Also admitted in Oregon

February 6, 2007

Carole Washburn
Executive Secretary
Washington Utilities & Transportation Commission
1300 South Evergreen Park Drive S.W.
Olympia, WA 98504-7250

Re: Docket Nos. TR-04664 and TR-050967

Dear Ms. Washburn:

Enclosed for filing please find an original and seven copies of BNSF's Notice of Withdrawal and Substitution in the above-referenced matter.

Please do not hesitate to call should you need anything further.

Very truly yours,

Montgomery Scarp MacDougall, PLLC



Abigail Pratt
Paralegal

cc w/ Enclosure:

John Ziobro
Carolyn Larson
Jonathan Thompson
Brandon Johnson
Tom Cowan

RECEIVED
RECORDS MANAGEMENT
07 FEB - 7 AM 8:44
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CITY OF KENNEWICK,

Petitioner,

v.

UNION PACIFIC RAILROAD,

Respondent.

DOCKET NO. TR-040664

NOTICE OF WITHDRAWAL AND
SUBSTITUTION OF ATTORNEYS

CITY OF KENNEWICK,

Petitioner,

v.

PORT OF BENTON and TRI-CITY &
OLYMPIA RAILROAD,

Respondent.

DOCKET NO. TR-050967

NOTICE OF WITHDRAWAL AND
SUBSTITUTION OF ATTORNEYS

TO: The Washington State Utilities and Transportation Commission


AND TO: All counsel of record;

MONTGOMERY SCARP MACDOUGALL, PLLC
1218 Third Avenue, Suite 2700
Seattle, Washington 98101
Telephone (206) 625-1801
Facsimile (206) 625-1807

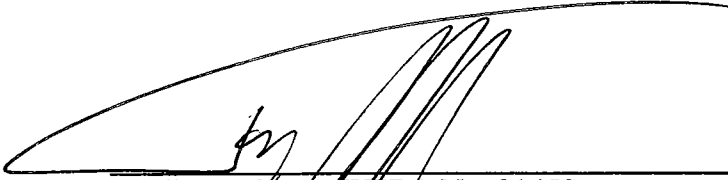
1 PLEASE TAKE NOTICE THAT, pursuant to LR 83.2(d), Kevin MacDougall, does
2 hereby withdraw as attorney for respondent BNSF Railway Company and substitutes in his
3 place of Tom Montgomery and Bradley P. Scarp of the law firm Montgomery Scarp
4 MacDougall, PLLC.

5 This withdrawal and substitution of counsel is effective immediately. All further
6 notices and pleadings, exclusive of original process, are to be served upon substituted counsel
7 of record.

8 DATED this 5th of February, 2007.

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12 _____
13 Kevin MacDougall, WSBA No. 31280
14 Withdrawing Attorney for Respondent
15 BNSF Railway Company

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Montgomery Scarp MacDougall, PLLC



Bradley P. Scarp, WSBA No. 21453
Tom Montgomery, WSBA No. 19998
Of Substituted Attorneys for Respondent
BNSF Railway Company
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CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp MacDougall, PLLC, whose address is 1218 Third Avenue, Suite 2700, Seattle, Washington, 98101.

I hereby certify that a true and complete copy of the *NOTICE OF WITHDRAWAL AND SUBSTITUTION OF ATTORNEYS* has been presented to the Washington State Utilities and Transportation Commission via U.S. Mail, and delivered to the following interested parties via U.S. Mail:

Carolyn L. Larson
Dunn Carney Allen Higgins & Tongue, LLP851
S.W. Sixth Avenue, Suite 1500
Portland, OR 97204-1357
For Union Pacific Railroad Company

Brandon L. Johnson
Minnick Hayner, P.S.
249 W. Alder
Walla Walla, WA 99362
For Tri-City & Olympia Railroad

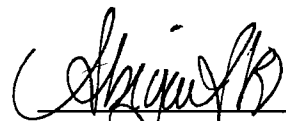
John Ziobro, City Attorney
City of Kennewick
210 W. 6th Avenue
Kennewick, WA 99336
For City of Kennewick

Jonathan Thompson
Asst. Attorney General
P.O. Box 40128
Olympia, WA 98504-0128
For WUTC Staff

Thomas Cowan, Jr.
P.O. Box 927
Richland, WA 99352-0927
For Port of Benton

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 5th of February, 2007 at Seattle, Washington.


Abigail Pratt, Legal Assistant