

[Service Date August 23, 2012]

August 23, 2012

**NOTICE STRIKING SECOND PREHEARING CONFERENCE**

Re: *City of Auburn v. Gates, Gates, Gates LLC; Mohawk Northern Plastics, LLC d/b/a AMPAC; and BNSF Railway Company*, Docket TR-120828

TO ALL PARTIES:

On August 22, 2012, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Second Prehearing Conference in the above-referenced docket setting a short-notice hearing on public safety concerns for this afternoon.

Late on August 22, 2012, the City of Auburn (City) filed with the Commission a letter explaining that the City no longer intends to open the A Street NW at-grade crossing prior to the Commission completing its adjudication of this matter. The City's letter pledges that "[t]he crossing will remain closed until this matter is resolved by order of the Commission."

The Commission finds that the City of Auburn has demonstrated its intent to refrain from opening an at-grade crossing without authorization from the Commission. Therefore, it is no longer necessary to conduct a fact-finding inquiry into the public safety implications of allowing an increase of automotive traffic over the A Street NW at-grade crossing. Accordingly, today's Second Prehearing Conference is canceled and stricken from the Commission's calendar.

ADAM E. TOREM  
Administrative Law Judge