

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CHELAN COUNTY,)	DOCKET NO. TR-041066
)	
Petitioner,)	ORDER NO. 02
v.)	
)	
CASCADE AND COLUMBIA RIVER)	
RAILROAD,)	
)	
Respondent.)	
)	
.....)	
)	
CASCADE AND COLUMBIA RIVER)	DOCKET NO. TR-041076
RAILROAD,)	
)	ORDER NO. 02
Petitioner,)	
v.)	
)	PREHEARING CONFERENCE
CHELAN COUNTY,)	ORDER; ORDER BIFURCATING
)	PROCEEDING; ESTABLISHING
Respondent.)	SCHEDULE OF PROCEEDINGS
.....)	

1 **NATURE OF PROCEEDING.** Docket No. TR-041066 is an application by Chelan County, Washington (“Chelan County” or “the county”) for upgrade of the Chestnut Street railroad crossing of the Cascade and Columbia River Railroad (“Cascade and Columbia” or “the railroad”) in Chelan Falls, Washington. Docket No. TR-041076 is an application by the railroad for closure of the “A” street railroad crossing in Chelan Falls, Washington.

2 **APPEARANCES.** Louis Chernak, attorney, Wenatchee, Washington, represents Chelan County. Buck D. Workman, Vice-President, Omak, Washington, represents Cascade and Columbia. Jonathan C. Thompson, Assistant Attorney

General, Olympia, Washington, represents the Commission's regulatory staff ("Commission Staff" or "Staff").

3 **STIPULATION.** On April 6, 2005, the Commission convened an evidentiary hearing, according to the schedule agreed to at the prehearing conference. Immediately prior to commencement of the evidentiary hearing, the parties conferred and tried to reach a complete resolution of the issues in both dockets.

4 As a result of their discussions, the parties agreed on the record that the two dockets should be bifurcated and that the railroad would waive hearing on the county's application for an upgrade of the Chestnut Street crossing in Chelan Falls (Docket No. TR-041066). Furthermore, the parties waived an initial order in the Chestnut Street upgrade proceeding.

5 With regard to the railroad's application to close the "A" Street crossing in Chelan Falls (Docket No. TR-041076), the parties indicated they had also reached a possible resolution to this application, but that complete resolution depended upon exploration of funding for a possible upgrade of the safety devices to be put in place at the crossing. The parties therefore stipulated to adjourn the evidentiary hearing until November 16, 2005. The parties stated that this lengthy delay was due to the fact that the funding required for equipment upgrades at the "A" Street crossing was part of a funding cycle that occurred during the interim period between now and November. The parties requested that the evidentiary hearing take place in Chelan Falls, Washington.

6 **DISCUSSION.** The bifurcation of this consolidated case into the two original dockets is reasonable, given the resolution of the issues that has occurred. Also, although a seven month adjournment of a proceeding is not the norm, in this instance there appears to be good cause to adjourn the evidentiary proceeding in Docket TR-041076 until November 2005, based on the parties' exploration of funding that might completely resolve the issues in the case.

7 **SCHEDULE OF PROCEEDINGS – DOCKET NO. TR-041076.** The following schedule of proceedings will govern Docket No. TR-041076:

November 10, 2005	Service of witness and exhibit lists
November 16, 2005	Evidentiary hearing – Chelan Falls, Washington (further notice will be provided of the exact time and location)
December 16, 2005	Simultaneous briefs
January 17, 2006	Target Initial Order date

ORDER

8 THE COMMISSION ORDERS That Docket Nos. TR-041066 and TR-041076 are bifurcated. A separate final Commission order will be entered disposing of Docket No. TR-041066.

DATED at Olympia, Washington, and effective this 8th day of April, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge