

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

CITY OF FIFE,	)	DOCKET TR-100098
	)	
Petitioner,	)	ORDER 01
	)	
v.	)	GRANTING MOTION FOR
	)	CONTINUANCE
UNION PACIFIC RAILROAD,	)	<b>(Prehearing Conference</b>
	)	<b>Rescheduled to May 19, 2010,</b>
Respondent.	)	<b>3:00 p.m.)</b>
	)	
.....	)	

**MEMORANDUM**

- 1     **NATURE OF PROCEEDING.** On January 13, 2010, the City of Fife (City or Fife) filed a Petition to open a pedestrian only at-grade rail crossing at 54<sup>th</sup> Avenue East in Fife. On February 12, 2010, Union Pacific Railroad (UPRR) filed its opposition to the Petition.
  
- 2     **PROCEDURAL BACKGROUND.** By Notice entered March 30, 2010, the Commission scheduled a prehearing conference in this matter to convene on May 3, 2010. On April 30, 2010, the City, UPRR, and the Commission’s regulatory staff (Commission Staff)<sup>1</sup> filed a Joint Motion for Continuance of the Prehearing Conference scheduled to convene on May 3, 2010. The parties requested that the prehearing conference be continued to May 19, 2010, because the parties are engaged in settlement negotiations and believe they are likely to resolve their differences.
  
- 3     **COMMISSION DECISION.** The unopposed motion for continuance of the prehearing conference should be granted. According to WAC 480-07-385(2), the Commission will grant a continuance if the requesting parties state good cause and

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<sup>1</sup> In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See RCW 34.05.455.*

the continuance will not prejudice any party or the Commission. The parties stated good cause for granting the continuance. They are participating in settlement negotiations that may resolve the disputed issues in this case. Granting the continuance will not prejudice any party or the Commission.

- 4 **THE COMMISSION GIVES NOTICE That the prehearing conference in this matter is rescheduled to convene at 3:00 p.m., on May 19, 2010, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 Evergreen Park Dr. S. W., Olympia, Washington.** Parties may participate in the prehearing conference via the Commission's conference bridge line **(360) 664-3846**. Parties who wish to participate via the bridge line should call the conference bridge approximately five minutes before the prehearing conference is scheduled to convene.

**ORDER**

THE COMMISSION ORDERS:

- 5 (1) The joint motion for continuance of the prehearing conference filed by all parties is granted.
- 6 (2) The prehearing conference scheduled to convene at 1:30 p.m., on May 3, 2010, is vacated and rescheduled to convene at **3:00 p.m., on May 19, 2010**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

Dated at Olympia, Washington, and effective April 30, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge