BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF SPOKANE VALLEY,)	DOCKET TR-111033
)	
Petitioner,)	ORDER 03
)	
V.)	ORDER GRANTING MOTION FOR
)	CONTINUANCE AND TO MODIFY
UNION PACIFIC RAILROAD,)	PROCEDURAL SCHEDULE AND
)	RESCHEDULING HEARING
Respondent.)	(Evidentiary Hearing rescheduled for
)	June 13, 2012)
)	

MEMORANDUM

- NATURE OF PROCEEDING. On June 6, 2011, the City of Spokane Valley (the City) filed with the Washington Utilities and Transportation Commission (Commission) a petition to modify warning devices and install sidewalks at a highway-rail grade crossing at Pines Rd, Spokane County, Spokane Valley, Washington. On June 21, 2011, the Commission sent a letter to Union Pacific Railroad Company (Union Pacific or the Railroad) notifying the Railroad of the petition and requesting that it respond to the petition within 20 days. On July 13, 2011, Union Pacific notified the Commission that, while it does not have any objections to the petition, it does have concerns about cost allocations for the installations.
- The Commission convened a prehearing conference on August 30, 2011. During the prehearing conference, the parties advised the Commission that they have agreed on a proposed procedural schedule. On September 1, 2011, the Commission entered Order 01 adopting the procedural schedule proposed by the parties.²

¹ The City filed a revised page 5 to its original petition on June 30, 2011.

² The procedural schedule was subsequently modified in Order 02 – Order Granting Request to Modify Procedural Schedule and Rescheduling Hearing, entered on November 3, 2011.

- MOTION. On December 20, 2011, the City filed a Motion for Continuance and to Modify Procedural Schedule (Motion). In its Motion, the City requests that the Commission continue all procedural deadlines by six weeks. The City argues that the continuance will "facilitate settlement discussions and avoid expense associated with preparing testimony and exhibits that will likely be obviated by a settlement." Further, the City asserts that any agreement reached between the parties would have to be approved by the Spokane Valley City Counsel (the City Counsel) and that process would require a minimum of three weeks. Neither Union Pacific nor the Commission's regulatory staff, the other parties to the proceeding, objects to the Motion.
- *Discussion/Decision.* Pursuant to WAC 480-07-385(2), the Commission will grant a timely request for a continuance to which all parties agree unless it is inconsistent with the public interest or the Commission's administrative needs. Neither exception is applicable here. The requested extension, if granted, allows the parties additional opportunity to pursue settlement of the contested issues and takes into consideration the time needed for review of any agreement by the City Counsel.
- The Commission's rules also require that a continuance request contain a specific date to which the deadlines are being extended. The City, in requesting a six week extension of all procedural deadlines, has met this requirement. The Motion is not inconsistent with the public interest or the Commission's administrative needs, and it includes a specific date by which the deadlines should be extended. Thus, the City's Motion should be granted.⁶

³ Motion at 1.

⁴ *Id*.

⁵ *Id.* at 2.

⁶ The revised procedural schedule is set forth in Appendix A to this Order.

NOTICE OF HEARING. The evidentiary hearing, previously set for May 2, 2012, is rescheduled for June 13, 2012, at 10:00 a.m., in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Dr. SW, Olympia, Washington.

ORDER

7 THE COMMISSION ORDERS that the Motion for Continuance and to Modify Procedural Schedule, filed by the City of Spokane Valley, is granted.

Dated at Olympia, Washington, and effective December 21, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER Administrative Law Judge

APPENDIX A REVISED PROCEDURAL SCHEDULE DOCKET TR-111033

EVENT	PRIOR DEADLINE	REVISED DEADLINE
City of Spokane Valley	December 23, 2011	February 3, 2012
Prefiled Direct Testimony		
and Exhibits		
Union Pacific Railroad and	February 24, 2012	April 6, 2012
Commission Staff Prefiled		
Responsive Testimony and		
Exhibits		
City of Spokane Valley	March 30, 2012	May 11, 2012
Prefiled Rebuttal Testimony		
and Exhibits and Union		
Pacific Railroad and		
Commission Staff Prefiled		
Cross-answering Testimony		
and Exhibits		
Evidentiary Hearing	May 2, 2012	June 13, 2012