

- 3 **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.”³ 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.⁴ Neither Union Pacific nor the Commission’s regulatory staff, the other parties to the proceeding, objects to the Motion.⁵
- 4 **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.
- 5 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.

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