

[Service Date April 10, 2013]

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RE: *Docket TR-121921 – Penalty Assessment – Setting May 8, 2013, Deadline for Status Report on Settlement Discussions*

Counsel:

On April 9, 2013, the Washington Utilities and Transportation Commission (Commission) conducted an informal telephonic scheduling conference in this matter to determine the amount of time you require to hold settlement negotiations. I understand that Commission Staff (Staff) and BNSF Railway Company (BNSF) plan to meet at least once later this month and expect to know relatively quickly whether a mutually agreeable resolution will be possible.

The Commission continues to believe that a negotiated settlement would be the most productive means of resolving the issues raised in this docket. The Commission, therefore, will continue to hold in abeyance enforcement of the Penalty Assessment and BNSF's request for a hearing pending the outcome of your settlement negotiations.

Please submit a status report no later than **Wednesday, May 8, 2013**, stating whether all disputed issues have been resolved, if more time is required for settlement, or if BNSF wishes to move ahead with a Brief Adjudicative Proceeding. The Commission will then determine how best to proceed.

**GREGORY J. KOPTA**

Director, Administrative Law Division

cc: BNSF Railway Company  
David Pratt, Assistant Director – Transportation Safety  
Kathy Hunter, Deputy Assistant Director – Transportation Safety