

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

MEEKER SOUTHERN RAILROAD,	)	DOCKET TR-081407
	)	
Petitioner,	)	ORDER 02
	)	
v.	)	
	)	ORDER GRANTING
PIERCE COUNTY PUBLIC WORKS	)	CONTINUANCE AND
AND UTILITIES,	)	MODIFYING PROCEDURAL
	)	SCHEDULE
Respondent.	)	<b>(Evidentiary Hearing set for</b>
	)	<b>November 3 and 4, 2009)</b>
.....	)	

*1*     **NATURE OF PROCEEDING.** On July 29, 2008, Meeker Southern Railroad (Meeker or Railroad) filed with the Washington Utilities and Transportation Commission (Commission) a petition to modify an existing highway-rail grade crossing at 134<sup>th</sup> Avenue East, Pierce County, United States Department of Transportation (USDOT) Crossing Number 085536R. On August 12, 2008, the Commission sent a letter to Pierce County Public Works and Utilities (Pierce County) notifying them of the petition and requesting they respond within 20 days indicating support of or opposition to the petition. On August 27, 2008, Pierce County filed its opposition to the petition. By Notice entered April 3, 2009, the Commission scheduled a prehearing conference and appointed Administrative Law Judge Patricia Clark to hear this matter. By Order 01, entered April 30, 2009, the Commission, among other things, established a procedural schedule and scheduled a hearing for September 1 and 2, 2009.

2 **MOTION FOR CONTINUANCE.** On June 8, 2009, Meeker filed a motion for a two-month continuance of the procedural schedule.<sup>1</sup> In support of its request for continuance, Meeker stated that it intended to file an amended petition that will incorporate an active warning system and address the expected increased use of the proposed spur line. Therefore, Meeker is no longer interested in litigating its petition, as originally filed. In addition, Meeker seeks additional time to pursue settlement with the other parties to this proceeding. Meeker asserted that a two-month continuance should afford the necessary time to accomplish the foregoing. Meeker stated that it had contacted Pierce County and the Commission's regulatory staff (Commission Staff or Staff) and they concur with the request for continuance.

3 According to WAC 480-07-385(2), the Commission will grant a continuance if the requesting party states good cause and the continuance will not prejudice any party or the Commission. Meeker stated good cause to support the request for continuance. Meeker intends to use the additional time to substantively modify its petition and to pursue settlement of disputed issues with other parties to this proceeding. Moreover, the request for continuance will not prejudice the Commission or the other parties to this proceeding who concur with the request. Accordingly, the request for continuance is granted.

4 **PROCEDURAL SCHEDULE.** Having granted the request for continuance, it is necessary to modify the current procedural schedule in this case to extend each procedural deadline and the hearing date for two months. The modified procedural schedule is set forth in Appendix A to this Order.

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<sup>1</sup> The Commission received Meeker's request for continuance on the date Meeker's prefiled direct testimony and exhibits was due. Meeker sought a two-month continuance of that filing deadline and all other deadlines in this proceeding. Meeker is reminded that, according to WAC 480-07-385(3)(a), a party must file a written motion for continuance at least five business days prior to the deadline for which continuance is requested.

- 5 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning, **November 3, 2009, at 9:30 a.m. and continuing thereafter, as necessary, on November 4, 2009, at 9:30 a.m. in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington.**

Dated at Olympia, Washington, and effective June 11, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

**APPENDIX A  
MODIFIED PROCEDURAL SCHEDULE  
DOCKET TR-081407**

<b><u>EVENT</u></b>	<b><u>ORIGINAL DATE</u></b>	<b><u>MODIFIED DATE</u></b>
Meeker Southern Railroad Supplement to Petition	May 11, 2009	
Meeker Southern Railroad Prefiled Direct Testimony and Exhibits	June 8, 2009	August 7, 2009
Pierce County and Commission Staff Prefiled Responsive Testimony and Exhibits	July 17, 2009	September 17, 2009
Meeker Southern Railroad Prefiled Rebuttal Testimony and Exhibits	August 10, 2009	October 9, 2009
Evidentiary Hearing	September 1, 2009, and continuing thereafter on September 2, 2009	November 3, 2009, and continuing thereafter on November 4, 2009