

[Service Date November 23, 2004]

November 23, 2004

NOTICE MODIFYING PROCEDURAL SCHEDULE

Re: City of Kennewick v. Union Pacific Railroad
Docket No. TR-040664

TO ALL PARTIES OF RECORD:

On November 15, 2004, the Commission entered Order No. 01—Prehearing Conference Order; Notice of Hearing in the above matter. In that order the Commission set out a hearing schedule agreed upon by the parties. On November 22, 2004, the City of Kennewick filed a Stipulation, agreed upon by Union Pacific Railroad and Commission Staff, regarding the hearing schedule. Due to scheduling conflicts the parties ask to revise the scheduling order and agree to the following proposed schedule:

	<u>From</u>	<u>To</u>
Time for informal discovery ends	December 19, 2004	January 21, 2005
City of Kennewick files testimony	February 17, 2005	Date remains the same
Commission Staff files testimony	March 10, 2005	Date remains the same
Railroad files evidence	March 31, 2005	Date remains the same
Dispositive motions, if any	April 11, 2005	May 9, 2005

Answers, if any, to any dispositive motions	April 18, 2005	May 16, 2005
Prehearing Conference (if necessary) to mark exhibits and to resolve objections and process issues	April 28, 2005	May 26, 2005
Hearing begins	May 9, 2005	June 6, 2005

The Commission adopts the proposed schedule.

Sincerely,

C. ROBERT WALLIS
Administrative Law Judge