

[Service Date May 10, 2013]

May 10, 2013

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RE: *Docket TR-121921 – Penalty Assessment – Setting May 22, 2013, Deadline for Parties to Submit Agreed Proposal on Mitigation of Penalty*

Counsel:

On May 8, 2013, the Commission received a status report indicating that the parties in the docket referenced above have made substantial progress toward an agreed resolution of this matter. The report represents that the parties have reached a settlement in principle and will be reducing the terms of their agreement to writing in the days ahead. The parties request additional time to file the agreement or another status report.

The Commission grants this request. We will continue to hold in abeyance enforcement of the Penalty Assessment and BNSF's request for a hearing pending receipt either of a joint letter explaining the parties' agreed resolution of this matter or another status report. Please submit this filing no later than **Wednesday, May 22, 2013**.

GREGORY J. KOPTA  
Director, Administrative Law Division

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