



Bob Ferguson

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May 22, 2013

Steven V. King, Acting Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

RE: *In the Matter of the Penalty Assessment against BNSF Railway Co.*
Docket TR-121921

Dear Mr. King:

In response to the letter dated May 10, 2013, from Gregory Kopta, Director Administrative Law Division, the parties submit this status report.

The parties continue to make progress in resolving this matter. We are down to a few details, which do not appear to be impediments to the settlement, but their resolution has been delayed by work conflicts. Consequently, the parties jointly request an additional week to file a settlement or another status report.

We appreciate your consideration of our request.

Sincerely,

STEVEN W. SMITH
Assistant Attorney General

SWS/emd

cc: Montgomery Scarp, PLLC