

August 6, 2001

**NOTICE OF STATUS/PREHEARING CONFERENCE  
(September 20, 2001)**

RE: In the Matter of the Petition of the Burlington Northern Santa Fe Railway (BNSF) to Increase Passenger and Freight Train Speeds on BNSF's Railroad Between the Southern Most Boundary of Seattle's City Limits to the Northern Most Boundary of the City of Tacoma; Docket No. TR-990656

TO ALL PARTIES OF RECORD:

This matter has been pending for some time, continued at the Parties' requests to permit the opportunity for preparation and filing of a comprehensive settlement agreement. Despite the passage of several months since the last status conference, and the Parties' assurances that the terms of a comprehensive settlement had been agreed and shortly would be reduced to writing, no such settlement agreement has been filed.

Indefinite continuances are disfavored by the Commission and typically are allowed only when parties represent that a settlement filing or other potentially dispositive action is imminent, but will require an uncertain number of days to complete. When the Commission granted an indefinite continuance in this proceeding, it relied on the Parties' representations that a settlement agreement would be filed within a reasonable period. That has not occurred.

**ALL PARTIES PLEASE TAKE NOTICE That a Status Conference will be convened in this proceeding on Thursday, September 20, 2001, beginning at 9:30 a.m., in the Commission's Hearing Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington. If the Parties file a settlement agreement prior to the status conference, the conference will be treated as a prehearing conference to determine what further process, if any, is appropriate to conclude this proceeding. If the Parties do not file a settlement agreement prior to the status conference, the conference will be treated as a prehearing conference to determine what further process is required to conclude this proceeding and to establish a procedural schedule, including dates for evidentiary and other hearing proceedings.**

**Attendance in person is encouraged, but you may attend via the Commission's teleconference bridge line subject to its availability. Please call Kippi Walker (360) 664-1139 to request this service.**

Sincerely,

DENNIS J. MOSS,  
Administrative Law Judge