

[Service Date September 18, 2009]

September 18, 2009

**NOTICE VACATING REMAINDER OF PROCEDURAL SCHEDULE  
(Hearing scheduled for January 5 and 6, 2010, Vacated)**

RE: *Meeker Southern Railroad v. Pierce County Public Works and Utilities*  
Docket TR-081407

TO ALL PARTIES OF RECORD:

By Order 03, Order Granting Continuance and Modifying Procedural Schedule, entered on August 3, 2009, the Washington Utilities and Transportation Commission (Commission) granted the request of Meeker Southern Railroad (Meeker) for a 45 day continuance of the procedural schedule previously established in this case because the parties were engaged in settlement negotiations. In its request, Meeker also advised the Commission that it had prepared a traffic study and it intended to file a modified petition incorporating an active warning system. On September 10, 2009, all parties participated in a telephonic conference with the presiding officer during which Meeker reiterated that it intended to file a modified petition incorporating an active warning system and the results of a new traffic study and that, based on this new information, Meeker and Pierce County Public Works and Utilities had reached a settlement in principle.

On September 16, 2009, Meeker filed a request to vacate the procedural schedule because the parties had reached an agreement in principle and additional time would allow the parties to work on resolving remaining details.

The request to vacate the procedural schedule to devote time and resources to resolving the substantive issues in this case is reasonable and should be granted. Accordingly, the following deadlines established by Order 03 are vacated:

Meeker Direct Testimony and Exhibits	September 21, 2009
Responsive Testimony and Exhibits	November 2, 2009
Meeker Reply Testimony and Exhibits	November 23, 2009
Evidentiary Hearing	January 5 and 6, 2010

The Commission will await Meeker's amended petition and traffic study before determining how to proceed further in this matter.

**NOTICE IS HEREBY GIVEN That, the request to vacate the remainder of the procedural schedule is granted.**

Sincerely,

PATRICIA CLARK  
Administrative Law Judge