



Rob McKenna

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April 23, 2009

Marguerite Friedlander, Administrative Law Judge
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

RE: *In re Application of Miller Schmer, Inc. d/b/a Seattle Express*, Docket TC-082064

Dear ALJ Friedlander:

The parties (Applicant, Protestant and my client, UTC Staff) have authorized me to file this agreement on their behalf. The Applicant and Protestant will separately confirm the agreement via email to you.

The parties have agreed to the following resolution of this matter:

Applicant Miller Schmer, Inc., d/b/a Seattle Express, agrees to withdraw its application in Docket TC-082064, without prejudice, which means: 1) This docket will terminate without resolution of the merits of the application; 2) Miller Schmer may file another application, and this docket does not affect such a filing; and 3) This docket does not affect the right of Protestant Evergreen Trails, Inc. d/b/a Gray Line of Seattle, to protest any such future application.

Accordingly, the parties request the Commission issue an order permitting or authorizing withdrawal of the application, and closing the docket.

Thank you for your attention to this matter.

Sincerely,

DONALD J. TROTTER
Assistant Attorney General
Counsel for UTC Staff

DTT:klg
Enclosures
cc: Parties

