**[Service Date October 4, 2012]**

October 4, 2012

**NOTICE GRANTING MOTION FOR CONTINUANCE**

**OF FILING DEADLINES FOR WITNESS TESTIMONY**

Re: *City of Auburn v. Gates, Gates, Gates LLC; Mohawk Northern Plastics, LLC d/b/a AMPAC; and BNSF Railway Company,* Docket TR-120828

TO ALL PARTIES:

On August 23, 2012, the Washington Utilities and Transportation Commission (Commission) issued Order 01 – Prehearing Conference Order in the above-referenced docket establishing a procedural schedule.

On September 28, 2012, the City of Auburn electronically submitted to the Commission, on behalf of all parties, a Stipulated Motion to Amend Prehearing Conference Order. The City of Auburn filed the required paper copy of the motion on October 3, 2012.

The City’s motion seeks to extend by two weeks the deadlines originally established for the filing of the first two rounds of testimony. The City of Auburn explains that this will facilitate ongoing settlement discussions between the parties and avoid the time and expense associated with preparing testimony while those negotiations continue. All parties stipulate to the requested continuance of these two deadlines.

The Commission finds that the parties have demonstrated good cause to continue these filing deadlines and grants the request as follows:

|  |  |  |
| --- | --- | --- |
| **Event** | **Prior Deadline** | **New Deadline** |
| Petitioner (City of Auburn)Prefiled Direct Testimony | October 5, 2012 | October 19, 2012 |
| Respondents and StaffPrefiled Responsive Testimony  | December 14, 2012 | December 28, 2012 |
| All Parties PrefiledRebuttal/Cross-Answer Testimony | January 14, 2013 | No Change |
| Evidentiary Hearing / Public Hearing | February 12, 2013 | No Change |

**PLEASE TAKE NOTICE That the Commission grants the City of Auburn’s stipulated motion for extension of certain filing deadlines and adopts the revised procedural schedule as indicated above.**

ADAM E. TOREM

Administrative Law Judge