

[Service Date May 23, 2013]

May 23, 2013

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RE: *Docket TR-121921 – Penalty Assessment – Setting May 31, 2013, Deadline for Parties to Submit Agreed Proposal on Mitigation of Penalty*

Counsel:

On May 22, 2013, the Commission received a status report indicating that the parties in the docket referenced above continue to make progress toward resolution of this matter. The report represents that the parties are finalizing the last details of a settlement and expect to be able to file a settlement shortly. The parties request additional time to complete and file the agreement or another status report.

The Commission grants this request but will not grant any further delays. We will continue to hold in abeyance enforcement of the Penalty Assessment and BNSF's request for a hearing pending receipt either of a joint letter explaining the parties' agreed resolution of this matter. The parties must submit this filing no later than **Friday, May 31, 2013**. If the parties fail to resolve this matter by that date, the Commission will proceed with scheduling and conducting a brief adjudicative proceeding.

GREGORY J. KOPTA
Director, Administrative Law Division

cc: BNSF Railway Company
David Pratt, Assistant Director – Transportation Safety
Kathy Hunter, Deputy Assistant Director – Transportation Safety